

Richard P. v. School District

A000000261
Charlise Moore

March 18, 2005

<p style="text-align: right;">Page 46</p> <p>1 that's who it's to. It's from Marlene Chrisman.</p> <p>2 A. Um-hum.</p> <p>3 Q. Who is Jo Barker?</p> <p>4 A. Mrs. Barker is the director of elementary/middle</p> <p>5 school programs.</p> <p>6 Q. And so she would be -- well, she would be the</p> <p>7 director of all of those programs --</p> <p>8 A. The principals in the elementary and the middle</p> <p>9 schools. And also she had the -- she was managing the Sarah</p> <p>10 Reed -- the big Sarah Reed umbrella.</p> <p>11 Q. Now, in this memo -- there's one for each of</p> <p>12 R [REDACTED] and K [REDACTED]. And the memo says that, "Since they</p> <p>13 are under age 14, they are not eligible for the adolescent</p> <p>14 partial program." Do you know what program that is?</p> <p>15 A. The partial program is the mental health -- high</p> <p>16 school mental health program.</p> <p>17 Q. And she indicated that they were not eligible for</p> <p>18 that program?</p> <p>19 A. Um-hum. She did. That's what this memo says.</p> <p>20 Q. Right. And it also indicates that -- this, again,</p> <p>21 sort of points to the fact that it was Mr. Scozzie who</p> <p>22 instigated this move; is that right? "It's my understanding</p> <p>23 that Mr. Scozzie would like the girls to begin this</p> <p>24 placement as soon as possible."</p> <p>25 A. That's what she has written here. "It's my</p>	<p style="text-align: right;">Page 48</p> <p>1 "In-home, five days --"</p> <p>2 Q. Yes.</p> <p>3 A. -- then I have the note. I probably connect it</p> <p>4 with that. That's the only thing I can put that with.</p> <p>5 Q. Now, you do have a date on this one, on the</p> <p>6 discipline note.</p> <p>7 A. Um-hum.</p> <p>8 Q. That's 1/11/02.</p> <p>9 A. Yes.</p> <p>10 Q. Now, would it have been Miss Cappabianca who</p> <p>11 requested this change in placement?</p> <p>12 A. It's possible that she did.</p> <p>13 Q. Okay. And then would the -- do the parents have</p> <p>14 to consent to this placement?</p> <p>15 A. Yes, definitely. For someone to come into their</p> <p>16 home.</p> <p>17 Q. Okay. Well, this would be -- would this be</p> <p>18 considered a modification of the girls' IEP, this five-day</p> <p>19 in-home placement?</p> <p>20 A. Well, we would work on their -- the things that</p> <p>21 are in their IEP with them when that person --</p> <p>22 Q. I know that. But what I'm saying is that from the</p> <p>23 point of view of the legal requirements associated with an</p> <p>24 IEP, does this -- does this placement in their home, this</p> <p>25 five-day placement in their home, does that require a whole</p>
<p style="text-align: right;">Page 47</p> <p>1 understanding that Mr. Scozzie would like the girls to begin</p> <p>2 this placement as soon as possible."</p> <p>3 Q. So whose idea was it that the girls would be sent</p> <p>4 home for a week? Was that your idea?</p> <p>5 A. No. There has to be a request from someone. I</p> <p>6 can't recall the request; whether it came directly from</p> <p>7 Mrs. Cappabianca. Because at that time, we always put the</p> <p>8 person who is the administrator in the building dealing with</p> <p>9 students, middle school students, their names on the form.</p> <p>10 Because maybe there -- some places had more than one</p> <p>11 assistant principal working with students, so I would know</p> <p>12 where it came from.</p> <p>13 Q. Okay. So I guess that you had a meeting -- was it</p> <p>14 January 14th -- can you tell by looking at your notes,</p> <p>15 Exhibit 5, the date of your meeting with Mr. Scozzie?</p> <p>16 A. I don't know. This is -- this is my scribble from</p> <p>17 a long time ago.</p> <p>18 Q. It does say -- there's a reference to the dates</p> <p>19 January 14th through 22nd. Do you know what that refers to?</p> <p>20 A. I don't know. Let's see. Well, I do have that on</p> <p>21 this discipline note. That's the beginning of the service</p> <p>22 in-home. So maybe that's what I wrote down. If you look</p> <p>23 at -- see the discipline note, No. 3?</p> <p>24 Q. Right. Yes.</p> <p>25 A. And maybe that's my note for this -- it says,</p>	<p style="text-align: right;">Page 49</p> <p>1 new IEP --</p> <p>2 A. No.</p> <p>3 Q. -- revision?</p> <p>4 A. No, it doesn't require a revision. Just</p> <p>5 permission for us to do instruction in the home.</p> <p>6 Q. And why doesn't it require a revision?</p> <p>7 A. Because we wouldn't be changing any of the goals</p> <p>8 and objectives on the IEP.</p> <p>9 Q. But you are changing the placement.</p> <p>10 A. That's why we have documentation here. Temporary</p> <p>11 in-home, right here on this one (indicating).</p> <p>12 Q. Right. So there is a temporary in-home evaluation</p> <p>13 placement for --</p> <p>14 A. Um-hum.</p> <p>15 Q. -- K [REDACTED]. There might be one for R [REDACTED]</p> <p>16 A. I don't know.</p> <p>17 Q. Well, and I haven't presented it to you, so I</p> <p>18 might not have seen it or maybe it's not in our files. But</p> <p>19 in any event, so that's not -- the one that we have, that we</p> <p>20 have marked as Exhibit 2, is not -- doesn't have the</p> <p>21 parents' signature. Should the parents' signature be on</p> <p>22 that?</p> <p>23 A. The parent should sign it. There's a check, "I</p> <p>24 approve." I don't know if the parent forgot to sign or</p> <p>25 what. Someone can't go in unless the parent gives</p>

Richard P. v. School District

A000000262
Charlise Moore

March 18, 2005

<p style="text-align: right;">Page 50</p> <p>1 permission.</p> <p>2 Q. Okay. Going back to Exhibit 1, I'd like you to</p> <p>3 look at the fourth page of the exhibit. And this is a memo</p> <p>4 to James Piekanski, Supervisor of Special Education, from</p> <p>5 Audrey Pecoraro, child study department. James Piekanski,</p> <p>6 again, he's your boss?</p> <p>7 A. I believe at that time he was Coordinator of</p> <p>8 Special Education.</p> <p>9 Q. Okay. And not a supervisor.</p> <p>10 A. That's correct. I believe at that time he was a</p> <p>11 coordinator.</p> <p>12 Q. And it's from Miss Audrey Pecoraro. And who is</p> <p>13 she again?</p> <p>14 A. Home-school visitor.</p> <p>15 Q. Okay. And she writes that, "The following student</p> <p>16 has been assigned to attend Sarah Reed program at 1020 East</p> <p>17 10th Street." The -- I guess my question is about her use</p> <p>18 of the word "assigned". How do you understand -- do you</p> <p>19 have any idea what she meant when she said "assigned"?</p> <p>20 A. No, I don't.</p> <p>21 Q. Okay. Because it's true that -- is it true or not</p> <p>22 true that the Sarah Reed people would have to conduct their</p> <p>23 own evaluation before accepting this student?</p> <p>24 A. Oh, yeah. They would say whether or not they are</p> <p>25 going to accept the student. You have to do an intake.</p>	<p style="text-align: right;">Page 52</p> <p>1 on that same page that you're looking at, "Referral to Sarah</p> <p>2 Reed by Marlene/Frank." Do you recall what her role was;</p> <p>3 Marlene Chrisman?</p> <p>4 A. I don't -- Marlene being special ed. supervisor in</p> <p>5 particular, I don't know -- I know what my job was, so I</p> <p>6 don't know what --</p> <p>7 Q. She was doing.</p> <p>8 A. -- she was -- she was supposed to do.</p> <p>9 Q. Okay.</p> <p>10 MR. OLDS: Let's take a little break. You know,</p> <p>11 we might be close to being done here.</p> <p>12 (Recess held from 4:04 p.m. till 4:16 p.m.)</p> <p>13 Q. Maybe just a few more questions here. Do you know</p> <p>14 who Chris Ruhl is, or who he was?</p> <p>15 A. Chris Ruhl was -- I think he worked in the Student</p> <p>16 Assistance Program as a mental health specialist, I think,</p> <p>17 out at the Student Assistance Program.</p> <p>18 Q. Are you aware that he was involved in this process</p> <p>19 of getting the girls, specifically K [REDACTED] from Strong</p> <p>20 Vincent to Sarah Reed?</p> <p>21 A. I don't know if he had information there or -- you</p> <p>22 know, if you're in the SAP program participating, you know,</p> <p>23 the mental health specialists have the information. I don't</p> <p>24 know if that was shared or. I don't know. You know, I</p> <p>25 don't know how much contact he had with them.</p>
<p style="text-align: right;">Page 51</p> <p>1 Q. In this process that, you know, started on</p> <p>2 January -- appears to have started approximately on</p> <p>3 January 11th, when you wrote the discipline note, to</p> <p>4 January 22nd, when -- when apparently they were admitted to</p> <p>5 Sarah Reed, when did Sarah Reed do its evaluation?</p> <p>6 A. I don't know.</p> <p>7 Q. And who would have provided the documentation to</p> <p>8 Sarah Reed to allow it to conduct its evaluation?</p> <p>9 A. Parents sign and give permission for them to do --</p> <p>10 when they do the intake, they get permission from the</p> <p>11 parents to do certain things with students.</p> <p>12 Q. So the parents would go to Sarah Reed --</p> <p>13 A. Oh, yeah, you have to show up face to face at</p> <p>14 Sarah Reed to do the intake.</p> <p>15 Q. Do you know when the intake was? Can you tell by</p> <p>16 the documents that we have looked at when the intake at</p> <p>17 Sarah Reed was?</p> <p>18 A. Intake for R [REDACTED] was scheduled -- if you look on</p> <p>19 Audrey's note, on 443 --</p> <p>20 MR. MARNEN: What exhibit is this?</p> <p>21 MR. OLDS: Exhibit 1, 443.</p> <p>22 A. Exhibit 1, 443, the home-school visitor wrote --</p> <p>23 she wrote, "Intake is scheduled for 1/21/02 at 11:00."</p> <p>24 Q. Okay. What was -- what do you recall Marlene</p> <p>25 Chrisman's involvement in this situation -- because I notice</p>	<p style="text-align: right;">Page 53</p> <p>1 Q. Did you ask him to do anything? Do you</p> <p>2 remember --</p> <p>3 A. Not that I recall, because I was doing -- I did</p> <p>4 the special ed. piece.</p> <p>5 Q. Okay. In doing the special ed. piece, are you --</p> <p>6 do you have any, I guess for lack of a better word, interest</p> <p>7 in the students' discipline -- in the students acting out in</p> <p>8 their -- you know, matters that pertain to student</p> <p>9 discipline? In other words, student behavior.</p> <p>10 A. The disciplining of students is -- within the</p> <p>11 building is done by the administration in the building.</p> <p>12 They may consult with me about special ed., as I mentioned</p> <p>13 before; special ed. procedure and how to go about different</p> <p>14 paperwork in regards to discipline, you know.</p> <p>15 Q. When a student who is identified as needing</p> <p>16 learning support has persistent discipline issues, behavior</p> <p>17 problems, does that have implications for their special</p> <p>18 education -- well, I guess for their IEP?</p> <p>19 A. It may.</p> <p>20 Q. It may.</p> <p>21 A. It may. I mean, it may be a concern of the</p> <p>22 teacher and/or the administrator about the behavior. Or a</p> <p>23 parent.</p> <p>24 Q. Do you know whether children are referred to Sarah</p> <p>25 Reed because they have behavior problems?</p>

Richard P. v. School District

A000000263
Charlise Moore

March 18, 2005

<p style="text-align: right;">Page 54</p> <p>1 A. As I said, Sarah Reed has a wide range of</p> <p>2 programs. So it may be behavior, it may be mental health,</p> <p>3 it may be -- there are a lot of different reasons why a</p> <p>4 child may be referred to Sarah Reed, because they have a</p> <p>5 wide range of programs and services.</p> <p>6 Q. And you wouldn't know if an Erie student is</p> <p>7 referred to Sarah Reed solely for behavioral problems. You</p> <p>8 might not necessarily know that; is that right?</p> <p>9 A. I only monitor the ones that belong to me.</p> <p>10 Q. Okay. And a special ed. student -- might a</p> <p>11 special ed. student be referred to Sarah Reed solely because</p> <p>12 of behavioral problems?</p> <p>13 A. It may be behavioral. It could be behavioral. It</p> <p>14 could be mental health. It just depends upon the individual</p> <p>15 student.</p> <p>16 Q. Okay. And have you ever -- where is Sarah Reed</p> <p>17 located?</p> <p>18 A. Sarah Reed has several programs. Sarah Reed --</p> <p>19 our -- the program we're talking about, the classroom</p> <p>20 program, is located on East 10th Street, past East Avenue.</p> <p>21 And I don't have the exact number of the -- of the facility.</p> <p>22 I can't give you the exact address.</p> <p>23 Q. Have you visited it?</p> <p>24 A. Oh, yes.</p> <p>25 Q. So you have been there?</p>	<p style="text-align: right;">Page 56</p> <p>1 what form it took?</p> <p>2 A. I would have to go back and see. I would have to</p> <p>3 look back.</p> <p>4 Q. What would you look at?</p> <p>5 A. Files. I would probably look back in files and</p> <p>6 see any specific things that were in their file that related</p> <p>7 to that, or ask them to let me see if I could have access to</p> <p>8 their direct treatment plans that they did.</p> <p>9 Q. Now, so Sarah Reed would do a direct treatment</p> <p>10 plan?</p> <p>11 A. They would have a plan. The goals and things that</p> <p>12 they worked on. Specific issues that they worked on with</p> <p>13 students.</p> <p>14 Q. Okay. And do you think that aside from -- the</p> <p>15 documents that Sarah Reed would have been provided by the</p> <p>16 Erie School District, would be the -- would it be the</p> <p>17 documents we've identified as Exhibit 1 and 2 in your</p> <p>18 deposition?</p> <p>19 A. Documents --</p> <p>20 Q. In other words, what would the School District,</p> <p>21 the Erie School District provide to Sarah Reed Children's</p> <p>22 Center pertaining to R [REDACTED] and K [REDACTED]?</p> <p>23 A. Oh, our initial documents. You know, first we --</p> <p>24 you know, you have to release for them to review, and they</p> <p>25 agree. Then we give them the revisions and all the</p>
<p style="text-align: right;">Page 55</p> <p>1 A. Oh, yes.</p> <p>2 Q. And when Erie students are there, do you go there</p> <p>3 to see how they are doing?</p> <p>4 A. Oh, yes. Our team. We meet on a monthly basis.</p> <p>5 Special ed. supervisors meet with the Sarah Reed staff, and</p> <p>6 we review all our cases, and we talk about student progress</p> <p>7 and issues related to children and, you know, how they are</p> <p>8 doing.</p> <p>9 Q. Well, did you meet with Sarah Reed about these two</p> <p>10 girls; R [REDACTED] and K [REDACTED]?</p> <p>11 A. Yes, I did.</p> <p>12 Q. Would you be given written summaries or written</p> <p>13 updates about what was going on with them?</p> <p>14 A. I probably would have some notes. Sarah Reed</p> <p>15 usually provides us with notes, student progress notes. I</p> <p>16 usually just get a list of students and what their status</p> <p>17 is; you know, when they entered, the reasons why they are</p> <p>18 there. And then we just -- we do a review. And I may take</p> <p>19 some notes and things like that about students that -- any</p> <p>20 specific concerns, but --</p> <p>21 Q. Will you check to see if you have any notes that</p> <p>22 pertain to K [REDACTED] and R [REDACTED] at Sarah Reed?</p> <p>23 A. Um-hum. Okay.</p> <p>24 Q. Now, do you know specifically what therapy or</p> <p>25 intervention Sarah Reed offered these girls? Do you know</p>	<p style="text-align: right;">Page 57</p> <p>1 necessary other paperwork that they need, and then they have</p> <p>2 paperwork that the parent fills out. And then that's the</p> <p>3 documentation that they have. And then we -- you know, once</p> <p>4 they set up goals and objectives within their facility, then</p> <p>5 they work on those things as it relates to their IEP.</p> <p>6 Q. There is nothing in here about sexual activity in</p> <p>7 these documents.</p> <p>8 A. No.</p> <p>9 Q. Well, how would Sarah Reed know about the sexual</p> <p>10 activity?</p> <p>11 A. I think that would probably be information that</p> <p>12 the parent -- you know, they have to do parent interviews.</p> <p>13 Parents come in, and they tell them what their concerns are</p> <p>14 with the children. They want to know what some of the</p> <p>15 issues are in relationship to that.</p> <p>16 Those are very, very sensitive, sensitive issues</p> <p>17 that -- these are confidential documents. But, you know,</p> <p>18 the -- conversationwise, as you can see, it says student's</p> <p>19 high intensity of stress by parents, students, and staff.</p> <p>20 The reason why -- of the proposed action and so on and so</p> <p>21 forth. And then that information comes through -- it would</p> <p>22 have to come through parent interviews. I'm sure child</p> <p>23 interview with the child about his or her concerns, or if</p> <p>24 they had those things; that they get information from the</p> <p>25 students themselves also.</p>

Richard P. v. School District

A000000264
Charlise Moore

March 18, 2005

Page 58

1 Q. Is that typically when a referral is made to Sarah
2 Reed and the Notice of Recommended Educational Placement is
3 created, that it wouldn't specify the explicit, specific
4 instances which were the basis for the placement?

5 A. Specific -- even though the document is extremely
6 confidential, it's very -- it's highly sensitive -- it's a
7 highly sensitive subject area. And I think we would word
8 that to the fact that there are some stressors, and then the
9 facility would go and question as to what those particular
10 stressors were.

11 Q. Okay. When you say it is a highly sensitive area,
12 what are you -- what is it? What are you referring to?

13 A. The -- you know, the sexual activity or anything
14 like that. That's a highly -- you know, we have people --
15 you are reviewing documents --

16 Q. Right.

17 A. -- you know, and you have, out of respect for the
18 young people, you know, we try to provide information
19 without, you know, making people uncomfortable.

20 Q. Did you get a sense of the level of sexual
21 activity these girls were involved in?

22 A. Not necessarily the level, but their -- it
23 happened -- something had occurred. And that -- and I
24 consider that -- personally consider that, but
25 professionally consider that to be a very sensitive thing

Page 59

1 with students of this particular age.

2 (Discussion held off the record.)

3 MR. OLDS: I don't have any other questions.

4 MR. MARNEN: Okay, thank you. No questions.
5 We'll read and sign.

6

7 (Deposition concluded at 4:26 p.m.)

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A000000265

SIGNATURE PAGE

I, CHARLISE MOORE, have read the foregoing transcript of my deposition, and affix my signature in approval of the correctness of my statement, except for corrections noted on the Amendment Page.



CHARLISE MOORE

DATED: 4/17/05

Corrections Noted on Amend Page

Yes _____

No ✓

JLF

Richard P. v. School District

A000000266

R. P.

March 23, 2005

Page 1

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

RICHARD P., by and for
Rachel P., and DENISE L.,
by and for K. L.,
Plaintiffs

v.

Civil Action No. 03-390
Erie

SCHOOL DISTRICT OF THE CITY
OF ERIE, PENNSYLVANIA; JANET
WOODS, Individually and in
her Capacity as Principal of
Strong Vincent High School;
and LINDA L. CAPPABIANCA,
Individually and in her
Capacity as Assistant
Principal of Strong Vincent
High School,
Defendants

Deposition of R. P., taken before
and by Janis L. Ferguson, Notary Public in and
for the Commonwealth of Pennsylvania, on Wednesday,
March 23, 2005, commencing at 10:12 a.m., at the
offices of Knox McLaughlin Gornall & Sennett, PC,
120 West 10th Street, Erie, Pennsylvania 16501.

Reported by Janis L. Ferguson, RPR
Ferguson & Holdnack Reporting, Inc.

1 For the Plaintiffs:
2 Edward Olds, Esquire
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3 1007 Mount Royal Boulevard
Pittsburgh, PA 15223
4
5 For the Defendants:
6 James T. Marnen, Esquire
Knox McLaughlin Gornall & Sennett, PC
7 120 West 10th Street
Erie, PA 16501

1 R [REDACTED] P [REDACTED], first having
2 been duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. MARNEN:

Q. Rachel, for the record, would you state your full name.

A. R. R. P.

Q. How do you spell your middle name?

A. R- [REDACTED]

Q. Now, before the deposition, you told me -- I thought you said you preferred Rachel, and you just said R[REDACTED]. So which is it?

A. It's R [REDACTED]

Q. I'll call you whatever you like. R [REDACTED] where do you live right now?

A. [REDACTED] Erie, PA 16428.

Q. Do you live there with your parents?

A. Yes.

Q. Richard and Shelley P

A. Yeah.

Q. Where is [REDACTED] Erie? West side or east side?

A. West.

INDEX

TESTIMONY OF R [REDACTED] P [REDACTED]
Direct examination by Mr. Marnen 4

EXHIBITS:

Defendant's Deposition Exhibit E - Page 11
Defendant's Deposition Exhibit F - Page 36
Defendant's Deposition Exhibit G - Page 36
Defendant's Deposition Exhibit H - Page 36
Defendant's Deposition Exhibit I - Page 36
Defendant's Deposition Exhibit J - Page 49

1 Q. West side? How far is it from Strong Vincent High
2 School?

A. Far.

Q. Far?

A. Yeah.

Q. Is it in south Erie or west -- is it north Erie?

Do you know?

A. No.

Q. Near the lake or away from the lake?

A. I don't know.

Q. If you don't know, that's fine. Okay. How long have you lived there?

A. I'm guessing about six months maybe.

Q. Where did you live before that?

A. Erie.

Q. Do you remember the street address?

A. I know it was East 10th.

Q. And have you ever lived anywhere besides those -- I'm talking about living with your parents -- besides those two addresses?

A. Arizona.

Q. How long were you in Arizona?

A. Two years maybe.

Q. Were those the two years before you started Strong Vincent?

Richard P. v. School District

A000000268

R [REDACTED] P [REDACTED]

March 23, 2005

<p style="text-align: right;">Page 6</p> <p>1 A. Yeah.</p> <p>2 Q. And before Arizona, did you live in Erie?</p> <p>3 A. Yeah.</p> <p>4 Q. Did you live in Erie all your life before you went</p> <p>5 to Arizona?</p> <p>6 A. No. I -- I lived in North East first, then I</p> <p>7 moved to Erie.</p> <p>8 Q. That's North East, Pennsylvania, right?</p> <p>9 A. Yeah.</p> <p>10 Q. Which is in Erie County also. Right?</p> <p>11 A. Yeah.</p> <p>12 Q. Did you ever go to school in North East?</p> <p>13 A. Yeah.</p> <p>14 Q. What grades did you attend at North East?</p> <p>15 A. Just tenth.</p> <p>16 Q. Tenth?</p> <p>17 A. Oh, and -- I forgot. An elementary school.</p> <p>18 Q. Right.</p> <p>19 A. Preschool, kindergarten, first. And I think</p> <p>20 that's it. I can't really remember.</p> <p>21 Q. And then you went to Erie and went to elementary</p> <p>22 school in Erie?</p> <p>23 A. Yeah.</p> <p>24 Q. Do you remember the name of the school?</p> <p>25 A. Emerson-Gridley.</p>	<p style="text-align: right;">Page 8</p> <p>1 Q. Oh, okay.</p> <p>2 A. -- two years at Strong Vincent.</p> <p>3 Q. Did you go to Emerson-Gridley?</p> <p>4 A. Yeah.</p> <p>5 Q. So you finished out sixth grade in</p> <p>6 Emerson-Gridley, then started seventh at Strong Vincent?</p> <p>7 A. Yeah.</p> <p>8 Q. When you attended Strong Vincent, did you have</p> <p>9 occasion to meet K [REDACTED] L [REDACTED]?</p> <p>10 A. Not in the beginning of the year. But I did meet</p> <p>11 her.</p> <p>12 Q. But later on?</p> <p>13 A. Yeah.</p> <p>14 Q. Was she in any of your classes?</p> <p>15 A. Most -- mainly all of them, really. But I don't</p> <p>16 think she was in my homeroom.</p> <p>17 Q. Who was your homeroom teacher?</p> <p>18 A. Miss Manus.</p> <p>19 Q. And was Miss Manus your homeroom teacher the</p> <p>20 entire time you were at Strong Vincent?</p> <p>21 A. Yeah, it was.</p> <p>22 Q. Did you start Strong Vincent right at the</p> <p>23 beginning of the year, or did you start later on?</p> <p>24 A. Yeah, I was there the first day.</p> <p>25 Q. In August?</p>
<p style="text-align: right;">Page 7</p> <p>1 Q. That's right there on Gridley Park, isn't it?</p> <p>2 A. Yeah.</p> <p>3 Q. And did you go to Emerson-Gridley every year until</p> <p>4 you went to Arizona?</p> <p>5 A. No. I was in a different school before I went to</p> <p>6 Arizona. I don't know what it was called.</p> <p>7 Q. Was it in Erie?</p> <p>8 A. Yeah.</p> <p>9 Q. How long were you there? How many grades? Do you</p> <p>10 remember?</p> <p>11 A. I was there for third and half of fourth. I</p> <p>12 think. A little more than half, maybe.</p> <p>13 Q. And then did you go to another school in Erie</p> <p>14 after that?</p> <p>15 A. No, in Arizona.</p> <p>16 Q. In Arizona?</p> <p>17 A. Yeah.</p> <p>18 Q. Were you in Arizona for fifth and sixth grade?</p> <p>19 A. Yeah.</p> <p>20 Q. Then you came back to Erie.</p> <p>21 A. Yeah.</p> <p>22 Q. And you enrolled in Strong Vincent.</p> <p>23 A. Yeah.</p> <p>24 Q. High school/middle school.</p> <p>25 A. No. I first went to the elementary. And then --</p>	<p style="text-align: right;">Page 9</p> <p>1 A. Yeah.</p> <p>2 Q. And was K [REDACTED] there then?</p> <p>3 A. No, not in the beginning.</p> <p>4 Q. Was K [REDACTED] in your homeroom when she finally did</p> <p>5 show up?</p> <p>6 A. In my homeroom?</p> <p>7 Q. Yes.</p> <p>8 A. No.</p> <p>9 Q. But she was in all of your classes?</p> <p>10 A. Mainly all of them.</p> <p>11 Q. Okay. You said Miss Manus was your homeroom</p> <p>12 teacher.</p> <p>13 A. (Witness nods head.)</p> <p>14 Q. Do you remember today who your teachers were in</p> <p>15 seventh grade at Strong Vincent?</p> <p>16 A. I had Miss Scully for science. Miss Manus, I</p> <p>17 think, was for world cultures or history. I don't know if</p> <p>18 that's the same thing, but.</p> <p>19 Q. Okay.</p> <p>20 A. Miss Agi --</p> <p>21 Q. Acke?</p> <p>22 A. Yeah.</p> <p>23 Q. I don't know how to spell it either.</p> <p>24 A. I don't know.</p> <p>25 Q. Was she for gym?</p>

Richard P. v. School District

A000000269

March 23, 2005

<p style="text-align: right;">Page 10</p> <p>1 A. Yeah. Miss Gray for math. And I had a music 2 teacher. He was a male, but I don't remember his name. 3 Q. He was what? 4 A. He was a male. 5 Q. A man? Okay. Was it Mr. Donch? 6 A. I don't remember. 7 Q. Or Mr. Johnson? 8 A. I'm not sure. 9 Q. If I said the name, do you think you might 10 remember it? 11 A. Maybe. 12 Q. How about Kenneth Coburn? 13 A. I don't know. 14 Q. Richard Lipchik? 15 A. No. 16 Q. Joseph Steubenhofer? 17 A. No. 18 Q. Scott Burbee? 19 A. I don't know. 20 Q. Larry Graham? 21 A. I'm still not sure. 22 Q. Okay. In any case, you had music also in addition 23 to the ones you mentioned. 24 A. Yeah. 25 Q. With somebody. Were those all your teachers, do</p>	<p style="text-align: right;">Page 12</p> <p>1 Q. You didn't finish the year, right? 2 A. Huh? 3 Q. You didn't finish the year at Strong Vincent? 4 A. No, I didn't. 5 Q. You left in January of 2002. Is that right? 6 A. I can't say the year, so I don't remember. 7 Q. After the Christmas vacation sometime? 8 A. I don't really remember when I left. 9 Q. You don't remember a Lipchik for a teacher? 10 A. No, I don't remember him. 11 Q. And if you look at that, if you go down the list, 12 Scully and Manus appear again. And then a Vallimont. Was 13 she a home ec. teacher for you? 14 A. Oh, yeah, I forgot I had home ec. But I don't 15 remember her, though. 16 Q. And then there's a Johnson there for health. Did 17 you have him, do you remember? 18 A. I don't remember. 19 Q. Did you have health class? 20 A. I don't remember. Obviously I did, if it's on 21 here. 22 Q. Well, maybe not. It might be the second. If you 23 look at the semesters, it says health is third and fourth 24 semesters. So that may have been after you left. 25 All right. Do you remember another student named</p>
<p style="text-align: right;">Page 11</p> <p>1 you remember? 2 A. I think so. 3 MR. MARNEN: I'm marking Defendant's Exhibit E. 4 (Defendant's Deposition Exhibit E 5 marked for identification.) 6 Q. And I'll hand it to you, R. It is a 7 composite exhibit. That is, it's comprised of a number of 8 different kinds of documents. But if you'd look at the very 9 first page, it would appear to be your class schedule for 10 that year at Strong Vincent. 11 A. Yeah. 12 Q. And assuming the accuracy of this, then, Graham 13 was your music teacher? 14 A. Yeah. 15 Q. And then Nischal, I think it's pronounced, was 16 your art teacher? 17 A. Yep. 18 Q. Then we have Gray for math and Scully for reading. 19 Does that sound right? 20 A. Yeah. 21 Q. Acke for gym. 22 MR. MARNEN: For the court reporter's benefit, 23 Acke is A-C-K-E. 24 Q. And Lipchik for literature. Do you remember that? 25 A. No, I don't remember.</p>	<p style="text-align: right;">Page 13</p> <p>1 B. C. 2 A. Yeah. 3 Q. Was Becky in any of your classes? 4 A. No. 5 Q. None? 6 A. No, none. 7 Q. Do you recall a student named C. B.? 8 A. Yeah. 9 Q. Was C. B. in any of your classes? 10 A. He was in one of them. 11 Q. Which class was that? Do you remember? 12 A. I'm not sure. 13 Q. Do you remember who the teacher was? 14 A. I think it was Miss Manus. I think. 15 Q. Was that class held every day, or -- 16 A. No. There was A day and B day. 17 Q. Would you explain that to me, please. 18 A. A day -- well, every day you get four classes. 19 And on A days it changes, and on B days it changes. 20 Q. So would it be four classes on A day and four 21 classes on B day? 22 A. Yeah, different classes. 23 Q. But they would be different classes. 24 A. (Witness nods head.) 25 Q. Okay. And C. B. was in either A or B?</p>

Richard P. v. School District

A000000270

R [REDACTED] P [REDACTED]

March 23, 2005

<p style="text-align: right;">Page 14</p> <p>1 A. Yeah.</p> <p>2 Q. Do you remember which one?</p> <p>3 A. I don't remember which one.</p> <p>4 Q. So would that mean that you would have three A</p> <p>5 classes one week and two the next week, and the same thing</p> <p>6 with B; two one week and three the next week? Is that how</p> <p>7 it worked?</p> <p>8 A. I don't know.</p> <p>9 Q. Since there are only five days in a week, I</p> <p>10 thought it might work that way.</p> <p>11 A. Probably.</p> <p>12 Q. Okay. But C [REDACTED] B [REDACTED] was in one class in one</p> <p>13 of those sections; A or B. Correct?</p> <p>14 A. Can you repeat that?</p> <p>15 Q. Sure. Sorry. I called A and B sections, and</p> <p>16 maybe that's the wrong terminology. But C [REDACTED] B [REDACTED] was</p> <p>17 either in an A day class or a B day class with you.</p> <p>18 A. Yeah.</p> <p>19 Q. And you don't remember whether it was A or B.</p> <p>20 A. No, I don't remember.</p> <p>21 Q. Okay. One class was all he was in.</p> <p>22 A. Yeah. He wasn't in there, like, for the whole</p> <p>23 time, but he was in there.</p> <p>24 Q. What do you mean, he wasn't there for the whole</p> <p>25 time?</p>	<p style="text-align: right;">Page 16</p> <p>1 any other day?</p> <p>2 A. No.</p> <p>3 Q. Okay. And during that one day in that class, did</p> <p>4 you have any difficulties with him of any kind?</p> <p>5 A. He was whispering to somebody, and he was looking</p> <p>6 at me, and he was pointing at me, but I don't know what he</p> <p>7 said.</p> <p>8 Q. Okay. We all know you were sexually assaulted at</p> <p>9 some point, right?</p> <p>10 A. Yeah.</p> <p>11 Q. And C [REDACTED] B [REDACTED] was one of the assailants?</p> <p>12 A. Yeah.</p> <p>13 Q. Was this whispering event in class before or after</p> <p>14 you were assaulted?</p> <p>15 A. After.</p> <p>16 Q. Who was he whispering to? What was the student's</p> <p>17 name?</p> <p>18 A. I can't remember.</p> <p>19 Q. Was it a boy or a girl?</p> <p>20 A. It was a boy.</p> <p>21 Q. Do you know --</p> <p>22 A. Oh, I remembered his name.</p> <p>23 Q. You just remembered?</p> <p>24 A. Tariq.</p> <p>25 Q. Who?</p>
<p style="text-align: right;">Page 15</p> <p>1 A. He wasn't there, like, in the beginning of the</p> <p>2 year.</p> <p>3 Q. Oh.</p> <p>4 A. But he came in that classroom.</p> <p>5 Q. Do you remember when he came into that classroom?</p> <p>6 Can you approximate when that was?</p> <p>7 A. I can't say the days. I don't know.</p> <p>8 Q. I don't expect you to give me the exact date. But</p> <p>9 can you remember the month?</p> <p>10 A. Probably in, like, the beginning of December or</p> <p>11 the end of November. I'm guessing.</p> <p>12 Q. And did he remain in that class until you left</p> <p>13 Strong Vincent?</p> <p>14 A. I actually only seen him once in the room. And</p> <p>15 then after that, I went to Sarah Reed.</p> <p>16 Q. You what?</p> <p>17 A. I went to Sarah Reed.</p> <p>18 Q. Oh, okay. Are you telling me -- I just want to</p> <p>19 clear this up -- that he was in that class one day?</p> <p>20 A. Well, I don't know how long -- I know he was in</p> <p>21 there one day, because I was in there one day, and then I</p> <p>22 left after that, and I went to Sarah Reed.</p> <p>23 Q. You mean you saw him in that class on one day.</p> <p>24 A. Yeah.</p> <p>25 Q. And you don't remember seeing him in that class on</p>	<p style="text-align: right;">Page 17</p> <p>1 A. Tariq.</p> <p>2 Q. Any idea how to spell Tariq?</p> <p>3 A. No.</p> <p>4 Q. Is that his first name?</p> <p>5 A. Yeah.</p> <p>6 Q. Do you remember a last name?</p> <p>7 A. No.</p> <p>8 Q. Was he a black boy or white boy?</p> <p>9 A. Black.</p> <p>10 Q. Do you remember the name A [REDACTED] K [REDACTED]?</p> <p>11 A. Yeah.</p> <p>12 Q. Did you ever know A [REDACTED] K [REDACTED]?</p> <p>13 A. Did I ever know him?</p> <p>14 Q. Yes.</p> <p>15 A. I didn't know him like that, but --</p> <p>16 Q. A [REDACTED] K [REDACTED] also sexually assaulted you, did</p> <p>17 he not?</p> <p>18 A. Yeah.</p> <p>19 Q. Did you know A [REDACTED] K [REDACTED] before that happened?</p> <p>20 A. No.</p> <p>21 Q. Did you have any social contact with A [REDACTED]</p> <p>22 K [REDACTED] before you were sexually assaulted by him? And by</p> <p>23 that, I mean a conversation or anything of that nature.</p> <p>24 A. No, not before.</p> <p>25 Q. Afterwards, did you have any social contact with</p>

Richard P. v. School District

A000000271

R [REDACTED] P [REDACTED]

March 23, 2005

<p style="text-align: right;">Page 18</p> <p>1 him?</p> <p>2 A. Yeah. Afterwards.</p> <p>3 Q. You saw him at school. And was anything said by</p> <p>4 him with regard to you or in your presence?</p> <p>5 A. Can you repeat that?</p> <p>6 Q. Yeah, it was a bad question. And let me leave</p> <p>7 that alone right now, and I'll come back to it. Okay?</p> <p>8 A. Um-hum.</p> <p>9 Q. All right. My memory is malfunctioning right now.</p> <p>10 I think you said that you were acquainted with B [REDACTED]</p> <p>11 C [REDACTED] at some point during school?</p> <p>12 A. What's "acquainted"?</p> <p>13 Q. You knew her?</p> <p>14 A. I didn't know her, but I have talked to her.</p> <p>15 Q. Okay. She was not in your classes.</p> <p>16 A. No.</p> <p>17 Q. Did you say that she did not start class the same</p> <p>18 time you did? Maybe I'm mixing her up with --</p> <p>19 A. I don't remember seeing her.</p> <p>20 Q. Okay. You probably didn't. I can't remember</p> <p>21 everything either. Did B [REDACTED] C [REDACTED] if you know, begin</p> <p>22 class at Strong Vincent at the same time you did, on the</p> <p>23 very first day in August, very first day of classes?</p> <p>24 A. I can't remember.</p> <p>25 Q. Okay. You said B [REDACTED] was not in any of your</p>	<p style="text-align: right;">Page 20</p> <p>1 A. I was in Miss Scully's. And I think she came from</p> <p>2 Miss Manus' room. I'm not sure.</p> <p>3 Q. So the two classes came together to do something;</p> <p>4 either listen to a speaker or watch a movie?</p> <p>5 A. Yeah.</p> <p>6 Q. Okay. And --</p> <p>7 A. And she says she wants to fight me.</p> <p>8 Q. That's the very first time -- was that the very</p> <p>9 first time you were even aware that she existed?</p> <p>10 A. No. I mean, I seen her in the halls and stuff.</p> <p>11 Q. Had you seen her before that day, when she told</p> <p>12 you she wanted to fight you, had you seen her or heard her</p> <p>13 giving -- bothering other students; students besides you?</p> <p>14 A. She would get into arguments.</p> <p>15 Q. With students?</p> <p>16 A. Yeah, other students.</p> <p>17 Q. Did you see her do anything else that you would</p> <p>18 regard as bothering other students by B [REDACTED] C [REDACTED] before</p> <p>19 that first day when she bothered you?</p> <p>20 A. No, not that I know of. Just arguing with the</p> <p>21 other students.</p> <p>22 Q. Did you see that happen every day, or can you tell</p> <p>23 me some --</p> <p>24 A. No, not every day, because I didn't see her every</p> <p>25 day.</p>
<p style="text-align: right;">Page 19</p> <p>1 classes. Was she in your homeroom?</p> <p>2 A. I don't think so.</p> <p>3 Q. Do you know what grade she was in?</p> <p>4 A. No.</p> <p>5 Q. Do you know what grade C [REDACTED] B [REDACTED] was in?</p> <p>6 A. No.</p> <p>7 Q. How about A [REDACTED] K [REDACTED]</p> <p>8 A. I think eleventh or twelfth.</p> <p>9 Q. How did you first become aware of B [REDACTED] C [REDACTED]</p> <p>10 A. She started saying that she wants to fight me.</p> <p>11 Q. Do you remember what month this occurred in?</p> <p>12 August? September? October? November?</p> <p>13 A. October.</p> <p>14 Q. October?</p> <p>15 A. (Witness nods head.)</p> <p>16 Q. And where were you and where was she when she said</p> <p>17 that?</p> <p>18 A. There was a couple times. There was one, she was</p> <p>19 in my room, because that day the kids from the other class</p> <p>20 moved in our class, because we were going to watch a movie</p> <p>21 or there was a guest speaker or something.</p> <p>22 Q. Does that mean your homeroom, when you say "my</p> <p>23 room"?</p> <p>24 A. No, not my homeroom.</p> <p>25 Q. What room are you talking about? Classroom?</p>	<p style="text-align: right;">Page 21</p> <p>1 Q. Right. And when you did see her, did you see her</p> <p>2 in the halls? Is that a fair statement?</p> <p>3 A. I -- I seen her in the halls a couple times. I</p> <p>4 seen her when I was in gym. And -- because she was in the</p> <p>5 other gym room. There's two gym rooms. I seen her then --</p> <p>6 (Witness asked for clarification by reporter.)</p> <p>7 A. I seen her out in the hall when I went to go get a</p> <p>8 drink.</p> <p>9 Q. And when you saw her, was she arguing with</p> <p>10 anybody?</p> <p>11 A. No.</p> <p>12 Q. Did you ever see her in the cafeteria?</p> <p>13 A. No, not that I remember.</p> <p>14 Q. What time of day did kids in middle school have</p> <p>15 cafeteria?</p> <p>16 A. I can't remember.</p> <p>17 Q. Did you always have cafeteria at the same time</p> <p>18 every day?</p> <p>19 A. I can't remember.</p> <p>20 Q. When you did have cafeteria, were you -- how did</p> <p>21 you go from your classroom to the cafeteria? And by that, I</p> <p>22 mean were you escorted in a group and you had to walk in</p> <p>23 line or anything like that, or could you go on your own?</p> <p>24 A. No. When the bell rang, everybody got up and went</p> <p>25 to lunch.</p>

A000000272

R[REDACTED] P[REDACTED]

Richard P. v. School District

March 23, 2005

Page 22

Page 12

1 Q. On their own.

2 A. Yeah.

3 Q. No getting in line like elementary school.

4 A. No.

5 Q. And when you did that, you were expected to walk

6 from the class down to the cafeteria?

7 A. Yeah.

8 Q. As you walked -- when you walked to the -- when

9 you were in the halls between classes, were there ever any

10 teachers in the halls?

11 A. I can't remember.

12 Q. Did you ever, while you were there, become aware

13 that there were police officers in the building?

14 A. Yeah, I knew that.

15 Q. Did you? When did you first become aware of that?

16 A. When I seen an officer in the high school office.

17 Q. Did the police officers wear uniforms?

18 A. Yeah.

19 Q. They were police officer uniforms?

20 A. Yeah.

21 Q. Were they --

22 A. Well, I don't know if it was a police officer

23 uniform, but they did wear a uniform.

24 Q. I'm sorry?

25 A. I don't know if it was a police officer uniform,

Page 24

1 Q. Okay. I'm trying to distinguish between seventh
2 grade and eighth grade. Seventh grade would be 2001/2002.
3 Eighth grade, 2002/2003.

4 A. It was eighth grade, I think.

5 Q. Eighth grade. Do you know his name?

6 A. No. I don't remember.

7 Q. Why was he taking you home? Do you know?

8 A. Because I had to get out of the school because I
9 had a fight with the principal.

10 Q. Did you attend Strong Vincent eighth grade?

11 A. Yeah.

12 Q. How long?

13 A. Not that long. About a week, maybe.

14 Q. And at the end of that week, you had a fight with
15 the principal?

16 A. Yeah.

17 Q. What was the principal's name?

18 A. I don't remember. I don't think I ever knew.

19 Q. Was it a woman or a man?

20 A. A man.

21 Q. Tell me about the fight. What was the nature of
22 it?

23 A. I was wearing -- I was actually wearing the dress
24 code, but I took off my -- my collared shirt, and I had
25 another shirt on underneath it, and that other shirt

Page 23

Page 25

1 but they did wear uniforms.

2 Q. They did wear uniforms when they were at school?

3 A. Yeah.

4 Q. At least sometimes. Is that what you're saying?

5 A. I didn't say sometimes.

6 Q. Did they always wear uniforms?

7 A. Yeah.

8 Q. And do you know what police department uniforms

9 they were?

10 A. No.

11 Q. Do you know the names of the police officers?

12 A. No.

13 Q. Did you ever become acquainted with any -- did you

14 ever talk to any of the police officers?

15 A. Yeah.

16 Q. And were they actual conversations, or did you

17 just say hello?

18 A. No, I can't remember what we really talked about,

19 but he took me home.

20 Q. He took you home?

21 A. Yeah.

22 Q. Was that --

23 A. And we started talking.

24 Q. Was that during the 2001/2002 school year?

25 A. I think it was 2002.

Page 25

1 underneath it wasn't dress code. It was just a T-shirt.
2 And he -- he saw me, and he asked me to put back
3 on my shirt, and I said no. And he said, well, then come
4 here, I want to talk to you. And I said no. So he came
5 over and he grabbed my arm, and we went in this office, and
6 he sat and he wanted to talk to me. And he -- I wanted to
7 leave, and he wouldn't let me leave, so I hit him.
8 (Brief interruption in proceedings.)
9 Q. So you hit him. Where did you hit him?
10 A. In the chest.
11 Q. With what?
12 A. My fist.
13 Q. And what did he do then?
14 A. He grabbed me. And then he called for -- he
15 restrained me because -- on the floor. And then I -- he
16 called for the officers. And they came, and they --
17 actually he. There was only one officer. And he arrested
18 me.
19 Q. And when he arrested you, did he -- just one
20 officer did that?
21 A. Yeah.
22 Q. And did he restrain you in any way?
23 A. No. They let go of me, and then I got arrested.
24 Q. All right. Did they ever put any handcuffs on you
25 or any other restraint devices?

Richard P. v. School District

A000000273

R [REDACTED] P [REDACTED]

March 23, 2005

Page 26	Page 28
<p>1 A. No.</p> <p>2 Q. He then escorted you home? Is that what you're</p> <p>3 saying?</p> <p>4 A. Yeah.</p> <p>5 Q. Did anyone from the school discuss the situation</p> <p>6 with your parents?</p> <p>7 A. The officer, with my mom.</p> <p>8 Q. Did you ever return to Strong Vincent after that</p> <p>9 day? For school.</p> <p>10 A. No.</p> <p>11 Q. Where did you go to school after that?</p> <p>12 A. After that, I -- well, I went to Hermitage, in</p> <p>13 that placement school. And then -- then I went to Sarah</p> <p>14 Reed when I came home.</p> <p>15 Q. How long were you in Hermitage?</p> <p>16 A. About a month.</p> <p>17 Q. Then you went to Sarah Reed?</p> <p>18 A. Yeah.</p> <p>19 Q. Did you finish out eighth grade at Sarah Reed?</p> <p>20 A. Yeah. I think.</p> <p>21 Q. Are you in tenth grade right now?</p> <p>22 A. Yes.</p> <p>23 Q. Where are you going to school?</p> <p>24 A. North East High.</p> <p>25 Q. Have you been there since August of 2004?</p>	<p>1 A. Yeah.</p> <p>2 Q. Then you left there, and you went to Hermitage</p> <p>3 House?</p> <p>4 A. Um-hum.</p> <p>5 Q. And you were there for about a month.</p> <p>6 A. Yeah.</p> <p>7 Q. And then you went to Sarah Reed again.</p> <p>8 A. Yeah.</p> <p>9 (Discussion held off the record.)</p> <p>10 Q. Did you finish eighth grade at Sarah Reed?</p> <p>11 A. I think I did, or I could have been in Drama House</p> <p>12 [sic]. I don't remember.</p> <p>13 Q. Did you go to summer school after eighth grade?</p> <p>14 A. I think it was after eighth grade.</p> <p>15 Q. And you think that was Sarah Reed?</p> <p>16 A. Yeah.</p> <p>17 Q. And then ninth grade, where did you go to school?</p> <p>18 A. I think I stayed in Sarah Reed.</p> <p>19 Q. Stayed there the whole year?</p> <p>20 A. Probably in and out, because I went to Edmund L. a</p> <p>21 few times.</p> <p>22 Q. When you went to Edmund L., did you actually live</p> <p>23 in there, in Edmund L. Thomas?</p> <p>24 A. For about -- a couple times. There was about a</p> <p>25 month, two months, maybe close to three months.</p>
Page 27	Page 29
<p>1 A. Been where?</p> <p>2 Q. North East High.</p> <p>3 A. No. Well -- no, I wasn't there the first day. I</p> <p>4 was there like -- well, I was there in August. Yeah, I</p> <p>5 started in August.</p> <p>6 Q. You spent your entire tenth grade at North East</p> <p>7 High?</p> <p>8 A. Yeah. Well, I went to Millcreek Learning Center.</p> <p>9 Q. Okay. Let's back up and go back to -- just give</p> <p>10 me a -- I'd like to have a chronology of where you have been</p> <p>11 since you left Vincent. You went to Sarah Reed, did you</p> <p>12 not, during your seventh grade, after the assault?</p> <p>13 A. Yeah.</p> <p>14 Q. Did you finish out the school year in Sarah Reed?</p> <p>15 A. Yeah, I finished out the school year.</p> <p>16 Q. And did you go to summer school anywhere?</p> <p>17 A. Once. Yeah, at Sarah Reed.</p> <p>18 Q. I meant in 2002.</p> <p>19 A. I don't remember when, but I did go.</p> <p>20 Q. Did you then enter eighth grade in the fall of</p> <p>21 2002?</p> <p>22 A. I don't know.</p> <p>23 Q. Let me help you out a little bit. After Strong</p> <p>24 Vincent -- oh, you just told me, you went back to Strong</p> <p>25 Vincent for a week. Right?</p>	<p>1 Q. My point is, though, that when you were at Edmund</p> <p>2 L. Thomas, you were living there. You weren't living at</p> <p>3 home.</p> <p>4 A. Yeah, I was.</p> <p>5 Q. But you were also attending school at Edmund L.</p> <p>6 Thomas?</p> <p>7 A. Yeah.</p> <p>8 Q. Then after the ninth grade, you went to North East</p> <p>9 High School. In tenth grade.</p> <p>10 A. Yeah.</p> <p>11 MR. OLDS: Well, except she was -- you were --</p> <p>12 where were you? In placement?</p> <p>13 A. I also was in Abraxas in ninth grade too.</p> <p>14 MR. OLDS: How long were you there? Do you</p> <p>15 remember?</p> <p>16 THE WITNESS: About five months, maybe less. I</p> <p>17 don't know.</p> <p>18 Q. Let's break that one down, ninth grade, a little</p> <p>19 bit to erase my confusion. You were in several places in</p> <p>20 ninth grade.</p> <p>21 A. Yeah.</p> <p>22 Q. You were in Sarah Reed, you were in Edmund L.</p> <p>23 Thomas, and you were in Abraxas. Right?</p> <p>24 A. Yeah.</p> <p>25 Q. Can you give me the order of things? Did you</p>

Richard P. v. School District

A000000274

R. P. [REDACTED]

March 23, 2005

Page 30	Page 32
<p>1 start in Sarah Reed?</p> <p>2 A. I started at Sarah Reed, then I went to Edmund L.</p> <p>3 And I think the first time at Edmund L., I -- they sent me</p> <p>4 there in -- I went home after that, I think. And then I</p> <p>5 went back to Sarah Reed. Then I went to Edmund L. again.</p> <p>6 And I think I went to Drama House [sic] after that. And</p> <p>7 after Drama House, I went back to Edmund L. And then I left</p> <p>8 Edmund L., and I went home, and so I went back to Sarah</p> <p>9 Reed. And then I went to Edmund L. again. And then from</p> <p>10 Edmund L., I went to Abraxas. And after Abraxas, I went</p> <p>11 home, came back to Sarah Reed. After Sarah Reed, I went to</p> <p>12 North East High.</p> <p>13 Q. That's all in the ninth grade?</p> <p>14 A. Yeah.</p> <p>15 Q. During the four occasions in ninth grade when you</p> <p>16 were at Sarah Reed, did you live at Sarah Reed?</p> <p>17 A. No.</p> <p>18 Q. When you were at Edmund L. Thomas on three</p> <p>19 occasions, did you live at Edmund L. Thomas?</p> <p>20 A. Yeah.</p> <p>21 Q. And at Andromeda House, did you live there?</p> <p>22 A. Yeah.</p> <p>23 Q. And Abraxas, did you live there?</p> <p>24 A. Yeah.</p> <p>25 Q. All right. Would you mind, for me -- just for my</p>	<p>1 in eighth grade.</p> <p>2 A. Probably close -- a little more than two years.</p> <p>3 Q. No, I mean in eighth grade. Just eighth grade.</p> <p>4 A. Oh. In Sarah Reed?</p> <p>5 Q. Yes.</p> <p>6 MR. OLDS: Are you saying before she went to</p> <p>7 Strong Vincent?</p> <p>8 MR. MARNEN: Yes.</p> <p>9 MR. OLDS: In other words --</p> <p>10 MR. MARNEN: Yes, the very first time.</p> <p>11 MR. OLDS: -- before you went to Strong Vincent</p> <p>12 that year, how long were you at Sarah Reed?</p> <p>13 A. I don't know. I don't remember.</p> <p>14 Q. You went to Hermitage House after Sarah Reed.</p> <p>15 A. Yeah.</p> <p>16 Q. How long were you there?</p> <p>17 A. Three months, maybe.</p> <p>18 Q. Strong Vincent, then, for a week.</p> <p>19 A. Yeah.</p> <p>20 Q. And then Sarah Reed for the rest of the year.</p> <p>21 A. Yeah.</p> <p>22 Q. Can you give me an idea how long at Sarah Reed the</p> <p>23 second time?</p> <p>24 A. I don't know.</p> <p>25 Q. Were you at Strong Vincent before the Thanksgiving</p>
Page 31	Page 33
<p>1 benefit, going through eighth grade, then, for me. My notes</p> <p>2 are confusing.</p> <p>3 A. Okay.</p> <p>4 Q. You finished out seventh grade, I know, at Sarah</p> <p>5 Reed.</p> <p>6 A. Um-hum.</p> <p>7 Q. Eighth grade, you started at Strong Vincent, and</p> <p>8 you were there for a week. Right?</p> <p>9 A. No. I went to Sarah Reed in the beginning of</p> <p>10 eighth grade. And then I went to Hermitage. And then I</p> <p>11 went to Strong Vincent.</p> <p>12 Q. Oh. All right.</p> <p>13 A. And I came home, and then I went to Sarah Reed.</p> <p>14 Q. That's it?</p> <p>15 A. Yeah.</p> <p>16 Q. And when you were at Sarah Reed on those two</p> <p>17 occasions, you were living at home.</p> <p>18 A. Yeah.</p> <p>19 Q. Hermitage House, however, you lived at Hermitage?</p> <p>20 A. Yeah.</p> <p>21 Q. Strong Vincent, you lived at home.</p> <p>22 A. Yeah.</p> <p>23 (Discussion held off the record.)</p> <p>24 Q. I know you don't have this memorized, but can you</p> <p>25 tell me about how long you were at Sarah Reed the first time</p>	<p>1 vacation in eighth grade?</p> <p>2 A. Was I at what?</p> <p>3 Q. The one week you spent at Strong Vincent, was that</p> <p>4 before Thanksgiving vacation in eighth grade?</p> <p>5 A. Can you repeat it again?</p> <p>6 Q. Sure. You spent one week at Strong Vincent at</p> <p>7 some point in time in eighth grade. Right?</p> <p>8 A. (Witness nods head.)</p> <p>9 Q. All I want to know is if you can remember whether</p> <p>10 that was before Thanksgiving vacation that year.</p> <p>11 A. No, it wasn't before.</p> <p>12 Q. Was it before Christmas vacation?</p> <p>13 A. I don't remember when Christmas vacation was.</p> <p>14 Q. Well, it's about the 20th of December until about</p> <p>15 the 2nd or 3rd of January.</p> <p>16 A. No, I think it was after.</p> <p>17 Q. Okay. What was it that caused you to go to</p> <p>18 Hermitage house from Sarah Reed?</p> <p>19 A. Assaulting an officer. And my principal.</p> <p>20 Q. Assaulting an officer and your principal at Sarah</p> <p>21 Reed?</p> <p>22 A. No. At Strong Vincent. I went to Hermitage from</p> <p>23 Strong Vincent.</p> <p>24 Q. Oh. Okay. So you started the year at Sarah Reed</p> <p>25 and went from Sarah Reed to Strong Vincent, and then to</p>

Richard P. v. School District

A000000275

R. [REDACTED] P. [REDACTED]

March 23, 2005

Page 34

1 Hermitage.

2 A. No. I went -- I was at Sarah Reed, then I went to

3 Hermitage, and then they sent me to Strong Vincent.

4 Q. I thought you said you went to Hermitage because

5 you assaulted an officer at Strong Vincent.

6 A. I did.

7 Q. Okay. It must be me, then. You began the school

8 year at Sarah Reed, right?

9 A. Yeah.

10 Q. Then you left Sarah Reed and went somewhere to

11 school. Correct?

12 A. Yeah.

13 Q. Why did you leave Sarah Reed?

14 A. I don't remember.

15 Q. But you think you went from Sarah Reed to Strong

16 Vincent?

17 A. No. I went to Sarah Reed, to Hermitage, then

18 Strong Vincent.

19 Q. So why did you go from Sarah Reed to Hermitage,

20 then?

21 A. What?

22 Q. I want to know why you transferred from Sarah Reed

23 to Hermitage. What event occurred to make that happen?

24 A. I don't know.

25 Q. While you were at Sarah Reed, did you have any

Page 35

1 physical difficulties with anybody?

2 A. Yeah.

3 Q. Did you get in any fights?

4 A. Yeah.

5 Q. Did you get into physical difficulties with staff?

6 Teachers or counselors?

7 A. Yeah.

8 MR. OLDS: Did you say yes? I didn't hear you.

9 THE WITNESS: Yeah.

10 Q. Were those difficulties what caused you to go to

11 Hermitage House?

12 A. No. I went to Hermitage House because I assaulted

13 a police officer and my principal at Strong Vincent.

14 Q. Were you at Hermitage House before Strong Vincent

15 and after Strong Vincent?

16 A. No, I only been there once.

17 MR. OLDS: It must have been after -- I mean, it

18 must have been after she was at Strong Vincent.

19 Q. So you must have gone from Sarah Reed to Strong

20 Vincent. I'm trying to get the order of things right, is

21 all I'm trying to do. And I think you said the first school

22 was Sarah Reed. And I think the next school, then, was

23 Strong Vincent? In eighth grade.

24 A. (No response.)

25 Q. I guess you don't know.

Page 36

1 MR. OLDS: Do you want to take a little break? I

2 think it was. I mean, we can get the chronology

3 from the school records. But I think that that

4 was the chronology.

5 MR. MARNEN: All right. Why don't we take a

6 break, and I'll look at those records.

7 (Recess held from 10:56 a.m. till 11:12 a.m.)

8 BY MR. MARNEN:

9 Q. During the break, R. [REDACTED], I pulled out some

10 documents that may help both of us work this out. Okay?

11 A. Yeah.

12 Q. Let's see. We marked E today, so this is

13 Defendant's Exhibit F.

14 (Defendant's Deposition Exhibit F and G

15 marked for identification.)

16 Q. I'm going to give you these together, R. [REDACTED]. And

17 you may not have seen these documents, but they may help

18 your memory. You never know. And Defendant's Exhibit H.

19 (Defendant's Deposition Exhibit H and I

20 marked for identification.)

21 Q. So if we take these in order, R. [REDACTED], Defendant's

22 Exhibit F on its face, in any event, is a Student Assignment

23 Form of the Erie School District. And it's dated August 5,

24 2002, you'll see. And in the middle of the page it says,

25 "Effective date: August 26th, 2002."

Page 37

1 (Discussion held off the record.)

2 MR. OLDS: Yeah, that's what the document says.

3 Q. And above that, R. [REDACTED], it says, "New assignment,

4 Sarah Reed Children's Center." And then the home school is

5 Strong Vincent. Do you see that?

6 (Discussion held off the record.)

7 A. Yeah, I see it.

8 Q. Yes. So that's suggesting to me -- and I'm not

9 saying this is true. But it's suggesting to me that while

10 you were assigned to Strong Vincent for -- at the beginning

11 of eighth grade, you actually attended Sarah Reed in the

12 beginning. But I may be wrong. Does that ring any bells

13 for you?

14 MR. OLDS: I think she said that she started off

15 at Sarah Reed that year.

16 MR. MARNEN: Yes, she did. Okay.

17 Q. And then Exhibit G -- I'm taking these in

18 chronologic order.

19 MR. OLDS: That would be this one right here

20 (indicating).

21 Q. And if you look at the second page, it is a letter

22 from a Patty Lee at Andromeda House.

23 (Discussion held off the record.)

24 Q. And she is sending this to someone named Becky.

25 And I don't know who B. [REDACTED] is affiliated with. But it looks

Richard P. v. School District

A000000276
Rachel Polancy

March 23, 2005

Page 38	Page 40
<p>1 like she's asking for some school records. Now, if you look 2 at the letter, she is asking for school records. So it 3 would appear that in January of '03, around that time, you 4 might have started at Andromeda House. Does that ring any 5 bells with you? 6 (Discussion held off the record.) 7 A. (No response.) 8 Q. Now, I think during your testimony, you did not 9 mention Andromeda House. That's fine. I'm trying to work 10 through this. 11 MR. OLDS: She actually did. She didn't pronounce 12 it right, but she did. She said "Drama". 13 Q. The next document is Exhibit H. And that is an 14 IEP. And somewhere there is -- yeah. Andromeda House is on 15 the first page. It says your -- Mr. Olds is pointing to it. 16 The school building at that time was Andromeda House. So 17 the date of this is February 11, 2003. 18 (Discussion held off the record.) 19 Q. So it looks like in early '03, you might have been 20 at Andromeda House. Does that sound right? Is this doing 21 anything for your memory? If it's not, please tell me. I'm 22 not trying to force anything down your throat here. 23 A. No. No. 24 Q. Then if you look at Exhibit I, that seems to be 25 dated October 14, 2003. There's a rubber-stamp date in the</p>	<p>1 where the police officer took you home after you struck the 2 principal? 3 A. After that incident? 4 Q. Yes. 5 A. Yeah. 6 Q. What have those problems been? 7 A. Being arrested, you mean? 8 Q. Yes. 9 A. Being taken away, being detained. 10 Q. Yes, that's what I'm asking you about. 11 A. Being detained. I got arrested and being 12 detained. 13 Q. For doing what? What were you charged with? 14 A. Underage drinking. Threatening to hit an officer. 15 Q. Threatening to hit an officer? 16 A. Um-hum. Running from an officer. I don't 17 remember. 18 MR. OLDS: Was there a theft? 19 THE WITNESS: A theft? I was there -- I was at a 20 store when somebody was stealing. 21 Q. Were you charged with stealing anything? 22 A. Yeah, theft. 23 Q. Were these four charges, did they arise out of the 24 same set of events, or did they -- were they different 25 times? I didn't say that very well. Let me try that again.</p>
Page 39	Page 41
<p>1 upper right-hand corner. 2 MR. OLDS: This would be the fall. 3 Q. That's the fall of the following year. Abraxas. 4 (Discussion held off the record.) 5 Q. Right, you did tell me you were in ninth grade at 6 Abraxas for a while. So that's consistent with what you 7 said before. These are the only documents I have, so there 8 are a lot of gaps. Have you been at both Andromeda House 9 and Hermitage House in the past? 10 A. Yeah. 11 Q. Do you think you were at both of them during 12 eighth grade? Or just one? 13 A. I'm not sure. 14 Q. When you went to Andromeda House and Hermitage 15 House, what kinds of things caused you to go there, if you 16 know? 17 A. Hitting -- I mean, assaulting an officer -- 18 Q. That's that Strong Vincent incident. 19 A. Yeah. 20 Q. Okay. 21 A. And Drama House, I don't really -- I don't really 22 know why I was there. 23 Q. Okay. Have you at any time after seventh grade at 24 Strong Vincent been involved in any -- have you had any 25 police problems, besides the incident at Strong Vincent</p>	<p>1 It's possible, I guess, that you could be underage 2 drinking, be approached by a police officer, you could 3 threaten him and run from him. Did that all happen at one 4 time -- 5 A. No. 6 Q. -- or did it happen at different times? 7 A. Different times. Are you asking me what all I 8 have been charged with? 9 Q. Yes. 10 A. I broke a screen in Sarah Reed. I don't really 11 remember anything else. 12 Q. Were you charged with underage drinking? 13 A. Yeah. 14 Q. Were you charged with threatening to hit a police 15 officer? 16 A. I was -- when I hit the officer; the officer at 17 Strong Vincent. 18 Q. That's at Strong Vincent. 19 A. Yeah. 20 Q. How about running from the officer? Is that the 21 same officer? 22 A. No. 23 Q. Different time? 24 A. Yeah. 25 Q. Why were you running from the police officer? It</p>

Richard P. v. School District

A000000277
Rachel Polancy

March 23, 2005

Page 42	Page 44
<p>1 was a police officer, I gather.</p> <p>2 A. Yeah. I don't remember why. I guess I was really</p> <p>3 mad.</p> <p>4 Q. Was it in school or someplace else?</p> <p>5 A. No. It was somewhere else.</p> <p>6 Q. And the theft, that occurred in a store?</p> <p>7 A. In Kaufmann's.</p> <p>8 Q. Someone you were with --</p> <p>9 A. Yeah.</p> <p>10 Q. -- shoplifted?</p> <p>11 A. Yeah. Two people.</p> <p>12 Q. Two people shoplifted?</p> <p>13 A. Uh-huh.</p> <p>14 Q. You did not shoplift.</p> <p>15 A. No.</p> <p>16 Q. But you were charged.</p> <p>17 A. Yeah. Because I was with them when they did it.</p> <p>18 Q. Have you been at the courthouse for any of these</p> <p>19 things?</p> <p>20 A. Yeah, I -- for hitting the officer.</p> <p>21 Q. Have you had a probation officer in the past?</p> <p>22 A. Julie Strickenberg.</p> <p>23 Q. And what was the charge that she was your</p> <p>24 probation officer for?</p> <p>25 A. Hitting the officer and running from the officer.</p>	<p>1 A. Assaulting a kid.</p> <p>2 Q. Did you assault a kid?</p> <p>3 A. Yeah.</p> <p>4 Q. When did you do that?</p> <p>5 A. In January. I think.</p> <p>6 Q. January of this year?</p> <p>7 THE WITNESS: January?</p> <p>8 A. Yeah.</p> <p>9 Q. Where were you in school at that time?</p> <p>10 A. North East.</p> <p>11 Q. Was the kid a boy or a girl?</p> <p>12 A. Boy.</p> <p>13 Q. Please tell me the circumstances of that incident.</p> <p>14 A. He is always bothering me, and just -- he made</p> <p>15 a -- he made -- he always makes -- he made a comment that I</p> <p>16 didn't like. And he's always touching me. Like he'll punch</p> <p>17 me. I know he's playing around, but I didn't like it. And</p> <p>18 I just kind of holded it in, and I just let it out once that</p> <p>19 he made a comment that I didn't like.</p> <p>20 Q. Where did you punch him?</p> <p>21 A. In the face.</p> <p>22 Q. Did you draw blood?</p> <p>23 A. No.</p> <p>24 Q. You ended up being charged for that?</p> <p>25 A. Yeah.</p>
Page 43	Page 45
<p>1 Q. That's the hitting the officer at Strong Vincent</p> <p>2 event.</p> <p>3 A. Yeah.</p> <p>4 Q. Before seventh grade at Strong Vincent, were you</p> <p>5 ever charged with committing a crime?</p> <p>6 A. Can you explain --</p> <p>7 Q. Before you went to Strong Vincent in 2002, were</p> <p>8 you ever charged with committing a crime?</p> <p>9 A. No.</p> <p>10 Q. In ninth grade, you said you were at Edmund L.</p> <p>11 Thomas a number of times. My notes say four times. But you</p> <p>12 may not remember that. Tell me about the reasons you went</p> <p>13 to Edmund L. Thomas on those four occasions.</p> <p>14 A. Violating probation. And basically not listening</p> <p>15 to the rules.</p> <p>16 Q. At the institution where you were going to school,</p> <p>17 you mean?</p> <p>18 A. Huh? No, just probation. And I was on house</p> <p>19 arrest, and I violated house arrest.</p> <p>20 Q. Oh, okay. Was that the probation for threatening</p> <p>21 the officer at Strong Vincent?</p> <p>22 A. Yeah.</p> <p>23 Q. That's the only time you have been on probation?</p> <p>24 A. No. I'm on probation now.</p> <p>25 Q. What are you on probation now for?</p>	<p>1 Q. Is your probation officer Julie Strickenberg for</p> <p>2 that one too?</p> <p>3 A. No.</p> <p>4 Q. Who is your probation officer there?</p> <p>5 A. Dave or David something.</p> <p>6 Q. Last name?</p> <p>7 A. I don't know.</p> <p>8 Q. What was your punishment for the assault on the</p> <p>9 boy in school?</p> <p>10 A. I think just probation.</p> <p>11 Q. Have you been on probation for anything else</p> <p>12 besides threatening the police officer at Strong Vincent and</p> <p>13 striking the boy at North East High School?</p> <p>14 A. No.</p> <p>15 Q. My notes say you told me that you were at Edmund</p> <p>16 L. Thomas four times in ninth grade. Those were all for</p> <p>17 probation violations?</p> <p>18 A. Fighting, underage drinking, and not going to</p> <p>19 school.</p> <p>20 Q. Did you get on probation for fighting or underage</p> <p>21 drinking or not going to school?</p> <p>22 A. No, but they kept extending my time, because I was</p> <p>23 doing those things.</p> <p>24 Q. At Thomas?</p> <p>25 A. Huh?</p>

Page 46

1 Q. Extending your time at Thomas, you mean?

2 A. No.

3 Q. Extending your probation. Well, I wandered off on

4 a tangent, only to go back to where we were over an hour

5 ago, I think. And I may, in the course of this, R [REDACTED] ask

6 questions that I have asked before, and I really don't mean

7 to do that intentionally. It's just because my memory is

8 not perfect either.

9 You told me that, as I remember, that you had

10 difficulties with B [REDACTED] C [REDACTED] in a class where your class

11 and her class got together to listen to a speaker or watch a

12 movie; one of the two.

13 A. Yeah.

14 Q. And she wanted to fight you.

15 A. Yeah.

16 Q. What, if you know, caused that to happen? Did

17 something happen? Did you bump into her or anything?

18 What --

19 A. No.

20 Q. Just out of the blue, she said she wanted to fight

21 you?

22 A. Yeah.

23 Q. What exactly did she say, if you remember?

24 A. There was a couple times. When we were in the gym

25 room, she said, we're going to get -- I'm going to give you

Page 48

1 hallway outside the gym.
2 A. Yeah.
3 Q. In the gym, she said she was going to give you
4 head up after school?
5 A. Yeah.
6 Q. What about the time in the hallway outside the
7 gym? What did she say then?
8 A. Well, this boy came out of her gym and said, hey,
9 this girl wants to give you head.
10 Q. Wants to give you what?
11 A. Head.
12 Q. What does that mean?
13 A. Oral sex.
14 Q. Was that before or after the assault by B [REDACTED] and
15 K [REDACTED]?
16 A. Yeah, I think it was.
17 MR. OLDS: He said before or after.
18 Q. Before or after. You have a choice here.
19 A. Oh. After.
20 Q. After. So it wasn't C [REDACTED] that said that to
21 you, it was someone else?
22 A. No, it was B [REDACTED] C [REDACTED].
23 Q. Oh. She came out and said that there's a boy in
24 there that --
25 A. No. The boy came out of her gym room, and she

Page 47

1 head up after school.

2 Q. "Head up" means hitting you?

3 A. Fight.

4 Q. So now we have two occasions. One is for the

5 movie or the speaker, and one for the gym?

6 A. No, that -- there was one in the classroom, one in

7 the gym, and one in the gym hall.

8 Q. In the hallway outside the gym?

9 A. Yeah.

10 Q. When you were going to Strong Vincent -- I went

11 there too, and I know there are two gyms.

12 A. Um-hum.

13 Q. Right?

14 A. Yes.

15 Q. Is one for girls and one for boys? They were when

16 I was there.

17 A. No. I think there's boys in my class.

18 Q. Okay. So they mix them now.

19 A. Yeah.

20 MR. MARNEN: Probably Title 9.

21 Q. The first event was the classroom, where she

22 wanted to fight you?

23 A. That I can remember, yeah.

24 Q. All right. And that's all I'm asking for. And

25 the other two events were after that. The gym and the

Page 49

1 told him that this, hey, this girl wants to give you head.
2 Q. I see.
3 A. Meaning me.
4 Q. I see. So the boy was there and you were there,
5 and she gestured toward a boy.
6 A. Yeah.
7 Q. Do you know the boy's name?
8 A. No.
9 (Discussion held off the record.)
10 (Defendant's Deposition Exhibit J
11 marked for identification.)
12 Q. R [REDACTED] I have marked as Defendant's Exhibit J a
13 copy of -- at least a portion of the police report in this
14 case that related to the assaults.
15 MR. OLDS: Probably -- I don't know if she has
16 ever seen this, but --
17 MR. MARNEN: She may not have.
18 MR. OLDS: Just so -- he might direct your
19 attention to something, but you might have never
20 seen this. This was the police report that was
21 done after the police came and investigated.
22 Okay?
23 BY MR. MARNEN:
24 Q. I guess I'll ask you, have you ever seen it
25 before?

A000000279

Richard P. v. School District

R [REDACTED] P [REDACTED]

March 23, 2005

<p style="text-align: right;">Page 50</p> <p>1 A. No.</p> <p>2 Q. I'd like to -- do you notice, R [REDACTED], in the lower</p> <p>3 right-hand corner, there's some page numbers. The very</p> <p>4 first page is PO, and then there are a bunch of zeros</p> <p>5 following --</p> <p>6 MR. OLDS: Right down here (indicating).</p> <p>7 A. Yeah.</p> <p>8 Q. Go to PO-6, if you don't mind.</p> <p>9 A. (Witness complies.)</p> <p>10 Q. And right in the middle of the page -- let me just</p> <p>11 read it aloud to you.</p> <p>12 (Discussion held off the record.)</p> <p>13 Q. "R [REDACTED] related --" do you see that part?</p> <p>14 A. Yeah.</p> <p>15 Q. "R [REDACTED] related to Ms. Cappabianca that B [REDACTED] is</p> <p>16 now taunting her at school, bothering her to perform oral</p> <p>17 sex on other male students.</p> <p>18 "On Monday, January 7, 2002, there was a second</p> <p>19 incident. R [REDACTED] was at the water fountain, and B [REDACTED]</p> <p>20 approached her, asking her to give head to a male student</p> <p>21 that had walked by. Allegedly after R [REDACTED] refused, B [REDACTED]</p> <p>22 shoved her into the stairwell and pushed her to follow the</p> <p>23 male student. R [REDACTED] followed down the stairs in the same</p> <p>24 direction as the male student, but nothing had happened."</p> <p>25 Okay?</p>	<p style="text-align: right;">Page 52</p> <p>1 don't mind.</p> <p>2 A. I went out to get a drink of water from gym, and</p> <p>3 Becky came out in the hall with two of her friends, and --</p> <p>4 Q. Who were the two friends?</p> <p>5 A. I don't know.</p> <p>6 Q. Were they girls or boys?</p> <p>7 A. Girls. And then -- then this boy came out of the</p> <p>8 room, her gym room, and she said, hey, this girl wants to</p> <p>9 give you head. And she -- he's like, really? And he's</p> <p>10 like -- and then she was like, yeah; we'll follow you. And</p> <p>11 he started going down the stairs, and she started pushing me</p> <p>12 down -- in the stairway. And when we got down there, he was</p> <p>13 like, well, are you ready; come on. And I said no. And I</p> <p>14 turned around to walk away, and they kept blocking me to go</p> <p>15 up the stairwell.</p> <p>16 And then one of the teachers came out of the</p> <p>17 classroom and told us to get -- get back to class. And then</p> <p>18 when we got back upstairs, the teacher told -- no. I said</p> <p>19 that B [REDACTED] is trying to make me give people head. And she</p> <p>20 said, oh, this happened to my friend before; I understand</p> <p>21 how you feel. And then she told -- she -- she must have</p> <p>22 told Miss Cap I walked out of class. I don't remember me</p> <p>23 walking out of class, but that's what she said. And I got</p> <p>24 PASS that night.</p> <p>25 Q. So let me move back and go a little more slowly.</p>
<p style="text-align: right;">Page 51</p> <p>1 A. Yeah.</p> <p>2 Q. Now, does that sound like an event that occurred</p> <p>3 to you with B [REDACTED] C [REDACTED]</p> <p>4 A. Yeah.</p> <p>5 Q. Does that have anything to do with the gym -- the</p> <p>6 two gyms -- the one in the hallway outside the gym, the gym</p> <p>7 itself, or in the class, or is this a fourth event?</p> <p>8 A. No. That's the hallway from the gym.</p> <p>9 Q. So that paragraph describes the hallway incident,</p> <p>10 then.</p> <p>11 A. Yeah.</p> <p>12 Q. Okay. Do you know whether that happened on</p> <p>13 January 7, 2002?</p> <p>14 A. I don't know what date.</p> <p>15 Q. Did it happen after you came back from Christmas</p> <p>16 vacation?</p> <p>17 A. I don't remember.</p> <p>18 Q. Did R [REDACTED] as this indicates, shove you into a</p> <p>19 stairwell --</p> <p>20 MR. OLDS: Not R [REDACTED] but B [REDACTED]</p> <p>21 MR. MARNEN: I'm sorry.</p> <p>22 Q. I apologize. Did B [REDACTED] force you into a</p> <p>23 stairwell, push you into a stairwell?</p> <p>24 A. Yeah.</p> <p>25 Q. Tell me what happened, in your own words, if you</p>	<p style="text-align: right;">Page 53</p> <p>1 The boy went down the stairs first?</p> <p>2 A. Yeah.</p> <p>3 Q. And B [REDACTED] pushed you down to follow him.</p> <p>4 A. Yeah.</p> <p>5 Q. So B [REDACTED] was behind you.</p> <p>6 A. Yeah.</p> <p>7 Q. On the stairs.</p> <p>8 A. Um-hum.</p> <p>9 Q. How about the other two girls? What happened to</p> <p>10 them?</p> <p>11 A. They were holding the door.</p> <p>12 Q. The door to the stairwell?</p> <p>13 A. Yeah.</p> <p>14 Q. Holding it closed?</p> <p>15 A. Holding it open.</p> <p>16 Q. Holding it open?</p> <p>17 A. So she could push me down there.</p> <p>18 Q. Oh, okay. Is this one staircase straight down, or</p> <p>19 does it have a landing and turn the corner and go down?</p> <p>20 A. Yeah, like that.</p> <p>21 Q. It has a landing?</p> <p>22 A. Yeah.</p> <p>23 Q. The gym is on the first floor, isn't it?</p> <p>24 A. No. They were taking me down to the basement.</p> <p>25 Q. That's my point. They were going down to the</p>

Richard P. v. School District

A000000280

R. [REDACTED] P. [REDACTED]

March 23, 2005

<p style="text-align: right;">Page 54</p> <p>1 basement. What is down there?</p> <p>2 A. There is a couple classrooms, the lunchroom.</p> <p>3 Yeah.</p> <p>4 Q. So if you were going to the cafeteria, that's</p> <p>5 where -- you might go down those stairs?</p> <p>6 A. Yeah.</p> <p>7 Q. And this was during gym class, your gym class.</p> <p>8 A. Yeah.</p> <p>9 Q. What time of day? Before lunch or after?</p> <p>10 A. I can't remember.</p> <p>11 Q. Who was your gym teacher? Miss Acke?</p> <p>12 A. Acke, yeah.</p> <p>13 Q. And at some point in all this, a teacher got</p> <p>14 involved here?</p> <p>15 A. Yeah.</p> <p>16 Q. Who was the teacher?</p> <p>17 A. I don't remember her name. She was a substitute</p> <p>18 for Ms. Acke.</p> <p>19 Q. Oh. She was the gym teacher?</p> <p>20 A. She was the substitute gym teacher.</p> <p>21 Q. That day?</p> <p>22 A. Yeah.</p> <p>23 Q. Okay. And did she actually walk into the</p> <p>24 stairwell also?</p> <p>25 A. No. She was in the gym room, but she came out,</p>	<p style="text-align: right;">Page 56</p> <p>1 the stairs then?</p> <p>2 A. Yeah. Except for the boy. He went to his</p> <p>3 classroom downstairs.</p> <p>4 Q. He was not in gym stuff; gym --</p> <p>5 A. No. I don't know why he went down there, but --</p> <p>6 Q. So he went to a class in the basement.</p> <p>7 A. Yeah.</p> <p>8 Q. You and B [REDACTED] and the two girls went back up the</p> <p>9 stairs.</p> <p>10 A. Yeah.</p> <p>11 Q. Went through the door and back into the gym?</p> <p>12 A. I didn't go in the gym yet. They did. They went</p> <p>13 in their gym. But the teacher came out before I went in the</p> <p>14 gym and asked me why wasn't I in class.</p> <p>15 Q. So that --</p> <p>16 MR. OLDS: Just so you understand, I think there</p> <p>17 were two gym classes. B [REDACTED] was in one, and she</p> <p>18 was in the other. Is that correct?</p> <p>19 THE WITNESS: Yeah.</p> <p>20 Q. As I remember, when you go to those gyms, you walk</p> <p>21 down the hall, and one gym is on the left, and one is on the</p> <p>22 right.</p> <p>23 A. Yeah.</p> <p>24 Q. So which one was B [REDACTED] in? Left or --</p> <p>25 A. Right.</p>
<p style="text-align: right;">Page 55</p> <p>1 and she saw me up there, and she asked me why I was out of</p> <p>2 class.</p> <p>3 Q. Then had you left B [REDACTED] C [REDACTED] and the boy and</p> <p>4 the two girls by then? You had left?</p> <p>5 A. They went back in the gym room.</p> <p>6 Q. Okay. Well, how did you get out of your</p> <p>7 predicament? That's what I'm trying to understand.</p> <p>8 A. When the teacher came out -- when we were in the</p> <p>9 basement, the teacher came out of the classroom and told us</p> <p>10 to get back to class.</p> <p>11 Q. This substitute gym teacher?</p> <p>12 A. No. The teacher downstairs.</p> <p>13 Q. Oh, okay. Was that a man or a woman?</p> <p>14 A. A man.</p> <p>15 Q. Name?</p> <p>16 A. I don't know.</p> <p>17 Q. He came -- he just happened to come out?</p> <p>18 A. Yeah. He -- yeah.</p> <p>19 Q. And he told you to get back in class.</p> <p>20 A. Yeah.</p> <p>21 Q. Were you all wearing gym outfits?</p> <p>22 A. Yeah.</p> <p>23 Q. So he could tell you were gym kids at that time.</p> <p>24 A. Yeah.</p> <p>25 Q. All right. Did that cause everybody to go back up</p>	<p style="text-align: right;">Page 57</p> <p>1 Q. You were in left?</p> <p>2 A. Yeah.</p> <p>3 Q. So B [REDACTED] and the other girls were ahead of you,</p> <p>4 and they went to the right?</p> <p>5 A. Yeah.</p> <p>6 Q. And then you dabbled a little bit out there in the</p> <p>7 hallway?</p> <p>8 A. Yeah. And then the teacher came out.</p> <p>9 Q. And told you to get back in the gym.</p> <p>10 A. No. She asked me why was I out of class.</p> <p>11 Q. Okay. What did you say?</p> <p>12 A. I didn't respond to the question. I just said,</p> <p>13 Becky is trying to make me give head to people.</p> <p>14 Q. And she said?</p> <p>15 A. Well, I know how you feel, because this happened</p> <p>16 to my friend.</p> <p>17 Q. The gym teacher said that?</p> <p>18 A. Yeah.</p> <p>19 Q. Did she say anything else to you?</p> <p>20 A. No.</p> <p>21 Q. What did you then do?</p> <p>22 A. I just went back to class. And then eventually</p> <p>23 Miss Cap wanted to talk to me, and she said I have PASS.</p> <p>24 Q. Is "Miss Cap" Miss Cappabianca?</p> <p>25 A. Yeah.</p>

Richard P. v. School District

A000000281

R [REDACTED] P [REDACTED]

March 23, 2005

Page 58

1 Q. Did everybody call her Miss Cap?

2 A. Yeah.

3 Q. So Miss Cappabianca -- I'm sorry, I lost track.

4 What did she do then?

5 A. She said I have PASS.

6 Q. When did she say that?

7 A. That day that I went to go get a drink of water.

8 Q. All right. Where were you when she told you that?

9 A. In her office.

10 Q. Were you summoned to her office?

11 A. Yeah.

12 Q. Now, some of your classes were on the second

13 floor, weren't they?

14 A. Yeah.

15 Q. Do you know east, west, north, south on that

16 building?

17 A. No.

18 Q. Was it the side of the building that's closest to

19 where the Laundromat was located?

20 A. Where her classroom -- I mean, where her --

21 Q. No, where your classes were. Most of them.

22 A. It was in the back. It was in the back.

23 Q. Was Miss Cappabianca's office in the same area as

24 some of your classes?

25 A. Yeah. Miss Manus and Miss Scully and Miss Gray.

Page 59

1 Q. Okay. The classes you had with Miss Manus,

2 Miss Scully, and Miss Gray were in the same hallway as

3 Miss Cappabianca's office?

4 A. And my music.

5 Q. And your music teacher too. Okay. So did

6 Miss Cappabianca tell you this after gym class was over?

7 A. I don't remember when.

8 Q. But at some point she summoned you to her office?

9 A. Yeah. That day.

10 Q. And informed you that you had PASS.

11 A. Yeah.

12 Q. Did she tell you why you had PASS?

13 A. Because I walked out of class. Which I asked to

14 get a drink.

15 Q. All right. Did you tell her that?

16 A. Yeah.

17 Q. What did she say?

18 A. She didn't respond.

19 Q. Did you discuss with her what B [REDACTED] and her

20 friends had done in the stairwell?

21 A. I tried, but she -- she wouldn't let me.

22 Q. Okay. As best you remember, tell me what you said

23 to her and what she said to you in regard to that.

24 A. Well, I didn't say anything that time, but

25 every -- when I did try, she just kind of -- well, once she

Page 60

1 told me that you need to suck it up and ignore it. Another

2 time she just, like, kind of made noises -- noises with her

3 mouth to stop me from what I was going to say. And then

4 there was another time that she says, I know what happened.

5 And there was another time she called my dad when I went to

6 her office to tell her.

7 Q. Okay. But on the day with the stairwell event --

8 A. Yeah.

9 Q. -- you did not tell her what -- am I understanding

10 you correctly, you did not tell her what Becky and the other

11 kids had done?

12 A. No. Not that day.

13 Q. Okay. If you go back to Exhibit J, please. And

14 the very next paragraph after the one that I read to you

15 before on Page PO-6.

16 (Discussion held off the record.)

17 Q. I'm going to read it to you so we can go -- it

18 will force us to go slowly through it.

19 "The third incident that Ms. Cappabianca found out

20 about by interviewing all of the listed students was that

21 also on Monday, 1/7/02, after PASS, C [REDACTED] B [REDACTED] and an

22 unknown male student had left PASS. They both went into the

23 Frontier Village Laundromat, where R [REDACTED] P [REDACTED] was.

24 R [REDACTED] was there changing her clothes and waiting for her

25 father to pick her up. While in an alcove of the building,

Page 61

1 the unknown male student had forced R [REDACTED] to sit down, and

2 then he put his hands up under her shirt and pushed her hair

3 back away from her face. This male then unzipped his pants

4 and put his penis on R [REDACTED] face."

5 Okay? Does that sound like an event that had

6 happened to you?

7 A. I don't remember him putting my hair back.

8 Q. Otherwise, it sounds like something that happened

9 to you?

10 A. Yeah.

11 Q. This paragraph says it happened on the same day as

12 the stairwell incident that we just talked about, but that

13 doesn't mean it did. Did it happen the same day?

14 A. I don't remember.

15 Q. Did it happen after the day that you were

16 assaulted by B [REDACTED] and K [REDACTED] and C [REDACTED]?

17 A. Yeah.

18 Q. Did you have PASS that day; the day it happened?

19 A. Yeah, I did.

20 Q. And PASS, as I understand it, begins typically at

21 3:30 p.m.?

22 A. Yeah.

23 Q. And it ends at 6:30 p.m.?

24 A. Yeah.

25 Q. And so after PASS is when this happened. Right?

A000000282

Richard P. v. School District

R [REDACTED] P [REDACTED]

March 23, 2005

<p style="text-align: right;">Page 62</p> <p>1 A. Yeah.</p> <p>2 Q. Did your parents know you had PASS that day?</p> <p>3 A. Yeah.</p> <p>4 Q. Had you made arrangements for them to pick you up,</p> <p>5 or how were you going to get home?</p> <p>6 A. My dad was going to pick me up.</p> <p>7 Q. What was the -- what was the deal with him? Where</p> <p>8 were you going to meet with him?</p> <p>9 A. At the Laundromat.</p> <p>10 Q. Did he know, when you made arrangements for him to</p> <p>11 pick you up, did he know by that time that you had been</p> <p>12 assaulted by --</p> <p>13 A. No.</p> <p>14 Q. -- B [REDACTED] and K [REDACTED] in that area?</p> <p>15 A. No.</p> <p>16 Q. So after PASS, did you walk from PASS over to the</p> <p>17 Laundromat?</p> <p>18 A. Yeah.</p> <p>19 Q. Incidentally, where was PASS conducted in the</p> <p>20 school?</p> <p>21 A. In the -- when you go in the school --</p> <p>22 Q. In the front door?</p> <p>23 A. Yeah, in the front doors, you make a right, and</p> <p>24 there's a couple classrooms for the kids that have PASS.</p> <p>25 Q. On the first floor?</p>	<p style="text-align: right;">Page 64</p> <p>1 Q. You don't have to make a left or a right after</p> <p>2 that. You just make that right after coming in the door.</p> <p>3 A. Yeah.</p> <p>4 Q. And they are on the first floor, aren't they?</p> <p>5 A. Yeah.</p> <p>6 Q. Not the basement.</p> <p>7 A. Not the basement.</p> <p>8 Q. And not the floor you were on, which is a floor</p> <p>9 higher.</p> <p>10 A. Yeah.</p> <p>11 Q. Okay. Who was your PASS teacher that day? Do you</p> <p>12 remember?</p> <p>13 A. I don't remember.</p> <p>14 Q. When you left PASS, did you leave alone?</p> <p>15 A. That day, I -- no, I didn't leave alone -- well,</p> <p>16 yeah, I did. But I -- no, I can't -- no, I think I left</p> <p>17 alone.</p> <p>18 Q. And walked down 8th Street to the Laundromat?</p> <p>19 A. Yeah.</p> <p>20 Q. And did you walk straight over?</p> <p>21 A. Yeah.</p> <p>22 Q. No going off some other place first.</p> <p>23 A. No.</p> <p>24 Q. And as you made that walk, you did it alone?</p> <p>25 A. Yeah.</p>
<p style="text-align: right;">Page 63</p> <p>1 A. Yeah.</p> <p>2 Q. Strong Vincent, just to get the lay of the land a</p> <p>3 little bit here, Strong Vincent has two -- three floors,</p> <p>4 right? Basement, first floor, second floor.</p> <p>5 A. I don't remember.</p> <p>6 Q. Don't you?</p> <p>7 A. No.</p> <p>8 Q. Do you remember if the hallways went around in a</p> <p>9 circle, except it was square; it was like a rectangle?</p> <p>10 A. I think.</p> <p>11 Q. When you went in the front door that went to PASS,</p> <p>12 did you have to turn any corners, or did you just go in the</p> <p>13 door and make a right and that was it?</p> <p>14 A. I went downstairs.</p> <p>15 Q. PASS was downstairs?</p> <p>16 A. No. I was -- I went -- I was upstairs in my</p> <p>17 classroom. But to go to PASS, I have to go downstairs on</p> <p>18 the first floor.</p> <p>19 Q. Okay. But if you go in the front door and you're</p> <p>20 going to go to the rooms where PASS are, you go in the front</p> <p>21 door and just make a right, and they are right there?</p> <p>22 A. No. You have to -- yeah, well -- I don't know the</p> <p>23 room numbers, but they are downstairs. You go in the</p> <p>24 building, and you make a right, and they are there. They</p> <p>25 are on the right side.</p>	<p style="text-align: right;">Page 65</p> <p>1 Q. Was it dark?</p> <p>2 A. Yeah.</p> <p>3 Q. And no one was with you?</p> <p>4 A. No.</p> <p>5 Q. When you got to the Laundromat, what did you do?</p> <p>6 A. Well, I walked in there, and I sat there for a</p> <p>7 little bit, because I -- I forgot that I brang my clothes</p> <p>8 with me. So then I got up -- I went to the bathroom. No,</p> <p>9 wait. Hold on. Wait, let me start over. Okay. I got out</p> <p>10 of school from PASS, and then I walked over there, and there</p> <p>11 was a bunch of boys outside. I did see C [REDACTED]</p> <p>12 Q. B [REDACTED]</p> <p>13 A. Um-hum. Yeah. And they -- they called me over.</p> <p>14 I didn't want to go over there. And there was a lady in the</p> <p>15 Laundromat watching me. I didn't know her. And somebody</p> <p>16 pushed me. I don't know who he was, but he pushed me. And</p> <p>17 they started laughing. I didn't fall. And I went in the</p> <p>18 Laundromat, and that lady asked me, do I know those people,</p> <p>19 and I said no. And then -- and she asked me, well, why did</p> <p>20 they push you. And I said, I don't know. And she said, are</p> <p>21 you okay, and I said yeah.</p> <p>22 And then I went to the bathroom, and I changed my</p> <p>23 clothes. And after I changed my clothes, I came out, and</p> <p>24 they were still out there. And they -- C [REDACTED] kept going</p> <p>25 like (indicating); making his hand move.</p>

Richard P. v. School District

A000000283
Rachel Polancy

March 23, 2005

<p style="text-align: right;">Page 66</p> <p>1 Q. You're gesturing kind of a wave toward yourself?</p> <p>2 A. Yeah.</p> <p>3 Q. Gesturing for you to come toward him?</p> <p>4 A. Yeah. And I shook my head no. And I didn't see</p> <p>5 the other boys out there. And so I just sat there until</p> <p>6 they left, because I wanted to go to C [REDACTED]'s house because</p> <p>7 I still had time.</p> <p>8 Q. What is C [REDACTED] last name?</p> <p>9 A. A [REDACTED]</p> <p>10 Q. A [REDACTED]</p> <p>11 A. A [REDACTED]</p> <p>12 Q. Any idea how to spell it?</p> <p>13 A. No.</p> <p>14 MR. P [REDACTED]: I believe it's A [REDACTED]</p> <p>15 [sic].</p> <p>16 MR. MARNEN: Might be a J in there?</p> <p>17 MR. P [REDACTED]: Pardon me?</p> <p>18 MR. MARNEN: Might be a "J"? Never mind.</p> <p>19 A [REDACTED]: I, I would guess, but --</p> <p>20 MR. P [REDACTED]: Not a J. There's no J in it.</p> <p>21 Q. Well, in any event, you got it close enough, I</p> <p>22 think. I'm sorry for interrupting you.</p> <p>23 MR. OLDS: So you were going to go to --</p> <p>24 Q. You were going to go to C [REDACTED]'s house.</p> <p>25 A. Oh. And I sat there and waited till I didn't see</p>	<p style="text-align: right;">Page 68</p> <p>1 stairs. And I got up. I started, like -- he -- and then --</p> <p>2 I want a break.</p> <p>3 (Recess held from 12:01 p.m. till 1:47 p.m.)</p> <p>4 Q. Let's get off that subject we were on before</p> <p>5 lunch. Just briefly, though, before I leave the area of</p> <p>6 this (indicating) --</p> <p>7 MR. MARNEN: Police report, Ed.</p> <p>8 Q. At the staircase incident in the school, you know,</p> <p>9 during gym class when you talked to Miss Cappabianca</p> <p>10 afterwards and she gave you PASS, you told me, I think, that</p> <p>11 you did not discuss with Miss Cappabianca what happened in</p> <p>12 the staircase.</p> <p>13 A. Yeah.</p> <p>14 Q. Right? You did not, correct?</p> <p>15 A. Yeah.</p> <p>16 Q. Did you try to?</p> <p>17 A. No, not about the staircase.</p> <p>18 Q. Did you think about it? Did you actually decide,</p> <p>19 well, I'm not going to do that, in your own mind, when you</p> <p>20 were talking to Miss Cappabianca?</p> <p>21 A. I don't remember what I was thinking.</p> <p>22 Q. Okay. Do you remember -- now do you remember why</p> <p>23 you did not bring up the subject with her?</p> <p>24 A. It's not like she would do anything about it</p> <p>25 anyways.</p>
<p style="text-align: right;">Page 67</p> <p>1 them. And then I -- and I didn't see anybody out there.</p> <p>2 And I saw a car pull up in front of the Laundromat. And I</p> <p>3 couldn't really see. It was dark. And I thought it was my</p> <p>4 dad. I went out, and it wasn't them, and the car had left.</p> <p>5 And there -- there was -- I didn't see them when I was in</p> <p>6 the Laundromat. There was boys on the side of the</p> <p>7 Laundromat, and there was C [REDACTED] on the other side. And</p> <p>8 some other guy that was on the other side of the Laundromat.</p> <p>9 And I -- and then -- and then the guy on the other</p> <p>10 side of the Laundromat, not where the pop machines are, but</p> <p>11 the other side, grabbed my hand and started pulling me</p> <p>12 towards the back. And I pulled away, and he said, it's</p> <p>13 okay, just keep -- keep going. And when we went back</p> <p>14 there -- (Pause).</p> <p>15 Q. Do you want to take a break?</p> <p>16 A. No. I want to get this over with.</p> <p>17 Q. Have you stopped? Are you composing yourself, or</p> <p>18 are you thinking?</p> <p>19 A. And then he -- he seen the back of the Laundromat;</p> <p>20 that there's two doors back there. The one -- the back door</p> <p>21 to get in the Laundromat, and there's another door to get --</p> <p>22 there's an upstairs. I don't know what's up there. But</p> <p>23 there is an upstairs. And you open -- he opened the door,</p> <p>24 he started shoving me in the door, and then I tried to get</p> <p>25 out, but he kept pushing me. And then he shoved me on the</p>	<p style="text-align: right;">Page 69</p> <p>1 Q. You did not think she would?</p> <p>2 A. No.</p> <p>3 Q. Is that because you had told her before, and she</p> <p>4 hadn't done anything?</p> <p>5 A. Yeah.</p> <p>6 Q. I made some notes when you were talking about the</p> <p>7 staircase incident. And I -- I think you were listing times</p> <p>8 when you talked with Miss Cappabianca about the incident.</p> <p>9 And the first one I made a note on, my note says, "Need to</p> <p>10 suck it up." That is something that Miss Cappabianca told</p> <p>11 you at some time?</p> <p>12 A. You need to suck it up and ignore it.</p> <p>13 Q. Okay. Let's go back -- I don't want to talk about</p> <p>14 the assault. All right? I'll make that clear right now. I</p> <p>15 don't want to talk to you about that. But I do want to know</p> <p>16 when it happened.</p> <p>17 A. Which one? The first or the second one?</p> <p>18 MR. OLDS: The second one being the one in the</p> <p>19 police report, right?</p> <p>20 MR. MARNEN: The second one.</p> <p>21 MR. OLDS: Is that what you consider to be the</p> <p>22 second assault that we were talking about this</p> <p>23 morning?</p> <p>24 THE WITNESS: They were both at the Laundromat.</p> <p>25 MR. OLDS: We were talking about the second one</p>

A000000284

Richard P. v. School District

R [REDACTED] P [REDACTED]

March 23, 2005

Page 70

1 this morning, right?

2 THE WITNESS: The one we were talking about before

3 we took the break, that's the second one.

4 MR. OLDS: Right. He wants to know when the

5 first --

6 Q. I want to know when the first one happened.

7 A. In November.

8 Q. Before we continue on, on that, did the second one

9 happen on January 7th, 2002, as the police report indicates?

10 A. On when?

11 Q. January 7, 2002.

12 A. January?

13 Q. Yes.

14 A. No, that did not happen --

15 MR. OLDS: The second one, not the first.

16 Q. The second one.

17 A. The second one did not happen in January.

18 Q. You know, to be fair with you, I think I covered

19 that before lunch, and I think you did say it happened after

20 Christmas vacation.

21 A. I don't remember it happening in January.

22 Q. Okay. When do you think it happened?

23 A. Probably the end of December.

24 Q. End of December?

25 A. Yeah.

Page 71

1 Q. Okay. Let's work through this. I'm going to help

2 you out a little bit. I'm trying to help you out a little

3 bit in your memory. And let me get for you a copy of the

4 school calendar.

5 A. Okay.

6 Q. That may help. And that's Exhibit B. And I'll

7 represent to you that's the school calendar for Erie School

8 District in 2001/2002. And the pages go in chronological

9 order.

10 So, Rachel, if we go to December, you will see

11 that the Christmas holiday began on -- not counting the

12 weekend, it began on December 24th.

13 MR. OLDS: So Christmas Eve.

14 Q. Christmas Eve.

15 MR. OLDS: That's December 24th.

16 Q. If you'll look through there, you'll see

17 Christmas, of course, you had off. The 26th, 27th, and 28th

18 you had off. And if you'll turn the page, you'll see you

19 had on January 1st, New Year's Day. But then the first day

20 classes are open again or school was open again was

21 January 2nd.

22 A. That's when we got back?

23 Q. Yes.

24 A. Then I must have been wrong.

25 Q. Okay. Now I forgot what you told me.

Page 72

1 MR. OLDS: She said the end of December.

2 Q. The end of December would have been during

3 vacation, I think.

4 A. Probably in the beginning of December.

5 Q. Beginning of December?

6 A. Yeah.

7 Q. Is when the second incident happened; the one we

8 talked about before lunch today, right?

9 A. Yeah.

10 Q. Okay. Now, the first incident, when did that

11 happen?

12 A. Around November. Somewhere in there.

13 Q. Did it happen before Thanksgiving vacation or

14 after Thanksgiving vacation?

15 MR. OLDS: And here would be Thanksgiving days,

16 right there (indicating). The 22nd.

17 A. After.

18 Q. But it happened during the month of November,

19 right?

20 A. Yeah.

21 Q. So I guess it happened, then, on either the 27th,

22 28th, 29th, or 30th?

23 A. Yeah.

24 Q. As you sit here now, do you remember when it

25 happened on any one of those days?

Page 73

1 A. Probably the 27th.

2 Q. Which was the first day back after Thanksgiving

3 vacation?

4 A. Yeah.

5 Q. Now, remember, I don't want to talk about the

6 incident, but tell me the time of day. That's -- just tell

7 me the time of day.

8 A. I wasn't in PASS that day, but it was after PASS.

9 Q. After PASS. And PASS ended at 6:30.

10 A. Yeah.

11 Q. So it was dark out, right?

12 A. Yeah.

13 Q. And the other thing I wanted to establish is it

14 did not happen on school property. Is that right?

15 A. No, it didn't.

16 Q. It happened across the street from the school?

17 A. Yeah.

18 Q. Had you attended PASS that day?

19 A. No.

20 Q. Were you supposed to attend PASS that day?

21 A. I don't think I was.

22 Q. All right. After the incident, how did you get

23 home?

24 A. After the first incident?

25 Q. Yes.

A000000285

Richard P. v. School District

R [REDACTED] P [REDACTED]

March 23, 2005

<p style="text-align: right;">Page 74</p> <p>1 A. My -- I walked home, actually.</p> <p>2 Q. Did you walk home alone?</p> <p>3 A. Well, we -- B [REDACTED] was with me, but she -- after</p> <p>4 halfway home, she just left.</p> <p>5 Q. Okay. You walked the rest of the way by yourself?</p> <p>6 A. Yeah.</p> <p>7 Q. How far did you live from the school? A couple</p> <p>8 blocks?</p> <p>9 A. About a block -- I mean, two blocks.</p> <p>10 Q. Do you remember what time you got home, about?</p> <p>11 A. Probably like 9:30.</p> <p>12 Q. Did you go to school the next day?</p> <p>13 A. Yeah, I did.</p> <p>14 Q. Did you discuss -- did you discuss the first</p> <p>15 assault after getting home on the night of the assault?</p> <p>16 A. No. I didn't discuss it with anybody.</p> <p>17 Q. With your parents?</p> <p>18 A. No.</p> <p>19 Q. No. Did you discuss with your parents the assault</p> <p>20 at any time before you went to school the day after the</p> <p>21 assault?</p> <p>22 A. No.</p> <p>23 Q. Did you discuss the assault with anyone at school</p> <p>24 on the day after the assault?</p> <p>25 A. No, not the day after.</p>	<p style="text-align: right;">Page 76</p> <p>1 wouldn't stop bothering me about giving head. That's what I</p> <p>2 tried to say, but she wouldn't let me get it out.</p> <p>3 Q. Were you in her office when you had this attempted</p> <p>4 conversations with her?</p> <p>5 A. Yeah.</p> <p>6 Q. Was anyone else present?</p> <p>7 A. No.</p> <p>8 Q. What time of day was it? I don't mean the time,</p> <p>9 necessarily, but maybe between classes or at lunchtime or</p> <p>10 before class or after?</p> <p>11 A. I can't remember.</p> <p>12 Q. Was the door to her office closed?</p> <p>13 A. I can't remember.</p> <p>14 Q. Did you arrange beforehand to see her, or did you</p> <p>15 just walk in and knock on the door?</p> <p>16 A. Just walked in.</p> <p>17 Q. How long were you with her that time?</p> <p>18 A. I don't remember.</p> <p>19 Q. As best you remember, if you would just tell me,</p> <p>20 you knocked on the door first?</p> <p>21 A. No.</p> <p>22 Q. No? Just walked in?</p> <p>23 A. I don't remember knocking on the door. I always</p> <p>24 just walked in her office.</p> <p>25 Q. Okay. You just walked in. And tell me what</p>
<p style="text-align: right;">Page 75</p> <p>1 Q. Did you at any time after that discuss the assault</p> <p>2 with anyone at school?</p> <p>3 A. Can you repeat that?</p> <p>4 Q. Sure. I think you just testified that the day</p> <p>5 following the assault, you did not discuss the assault with</p> <p>6 anyone at school. Correct?</p> <p>7 A. Yeah.</p> <p>8 Q. But after that at any time did you discuss the</p> <p>9 assault with anyone at school?</p> <p>10 A. I tried to. Miss Cap.</p> <p>11 Q. When did that happen?</p> <p>12 A. Probably -- I'm guessing the second or third day.</p> <p>13 Q. Second or third day after the assault?</p> <p>14 A. Yeah.</p> <p>15 Q. Was it still in November, then?</p> <p>16 A. Probably a Friday or --</p> <p>17 Q. I think you said it probably happened the 27th?</p> <p>18 A. Yeah.</p> <p>19 Q. So the second and third day would be the 29th and</p> <p>20 the 30th?</p> <p>21 A. Right. Either Thursday or Friday.</p> <p>22 Q. All right. Where were you when you discussed</p> <p>23 it -- or tried to discuss it with Miss Cappabianca?</p> <p>24 A. Well, at first I tried to tell her that the kids</p> <p>25 won't stop bothering -- I tried to tell her the kids</p>	<p style="text-align: right;">Page 77</p> <p>1 happened.</p> <p>2 A. Well, I just kept trying to tell her, and she just</p> <p>3 cut me off by making noises with her mouth.</p> <p>4 Q. What kind of noises?</p> <p>5 A. Every time I would say something, she would be</p> <p>6 like (indicating).</p> <p>7 Q. It was a gesture and a sound that you interpreted</p> <p>8 as telling you to be quiet?</p> <p>9 A. Yeah.</p> <p>10 Q. As best you remember -- and I know it's been four</p> <p>11 years. And if you can't remember, that's fine. But as best</p> <p>12 you remember, tell me what you told her; what you did get</p> <p>13 out.</p> <p>14 A. I remember telling her, I thought -- these boys</p> <p>15 won't stop bothering me. I got that out once.</p> <p>16 Q. Okay. Anything else?</p> <p>17 A. I tried -- tried to tell her more. And she just</p> <p>18 kept interrupting me.</p> <p>19 Q. You testified a couple minutes ago that you were</p> <p>20 trying to tell her that the boys were bothering you to give</p> <p>21 head.</p> <p>22 A. Um-hum.</p> <p>23 Q. Did you say that to her?</p> <p>24 A. No.</p> <p>25 Q. So you did say to her, however, that the boys</p>

A000000286

Richard P. v. School District

R [REDACTED] P [REDACTED]

March 23, 2005

<p style="text-align: right;">Page 78</p> <p>1 would not stop bothering you?</p> <p>2 A. Yeah.</p> <p>3 Q. Was there any other -- any other thought you</p> <p>4 communicated to her besides that?</p> <p>5 A. (No response.)</p> <p>6 Q. Before she interrupted you.</p> <p>7 A. There was times where I --</p> <p>8 Q. I just want to talk about this one time.</p> <p>9 A. I don't know.</p> <p>10 Q. You don't know?</p> <p>11 A. No.</p> <p>12 Q. All right. She cut you off. And what did she do</p> <p>13 besides -- what did she say, if anything, besides cutting</p> <p>14 you off?</p> <p>15 A. Nothing. I just left.</p> <p>16 Q. Were you just in there a couple minutes?</p> <p>17 A. Yeah. I mean, I can't force her to listen to me.</p> <p>18 And I --</p> <p>19 Q. You had been in her office before that time?</p> <p>20 A. No. The -- I think that was my first time.</p> <p>21 Q. My notes say there was a second occasion when you</p> <p>22 tried to talk to her about that subject, and she made noises</p> <p>23 to stop. Or is that the same visit?</p> <p>24 A. She did that a couple times when I tried to tell.</p> <p>25 Q. How many times did you try to -- how many separate</p>	<p style="text-align: right;">Page 80</p> <p>1 A. Yeah. This one time she took me out of PASS to</p> <p>2 talk to me and tell me what happened. Or ask me what</p> <p>3 happened.</p> <p>4 Q. Was that the only time you told her what did</p> <p>5 happen?</p> <p>6 A. Yeah.</p> <p>7 Q. Was that the last time you tried to talk to her</p> <p>8 about the subject?</p> <p>9 A. After that day, that they tried to talk to me,</p> <p>10 they had a meeting with my dad.</p> <p>11 Q. Is this after Christmas vacation?</p> <p>12 A. Yeah.</p> <p>13 Q. Now, PASS is after school hours, between 3:30 and</p> <p>14 6:30, right?</p> <p>15 A. Yeah.</p> <p>16 Q. So Miss Cappabianca came to you at some time after</p> <p>17 the Christmas holidays and took you out of PASS?</p> <p>18 A. Yeah.</p> <p>19 Q. And did she take you to her office or someplace</p> <p>20 else to talk to you?</p> <p>21 A. I think it was Miss Woods' office.</p> <p>22 Q. I'm sorry?</p> <p>23 A. I think it was Miss Woods' office. Miss Woods was</p> <p>24 there too.</p> <p>25 Q. All right. So Miss Cappabianca took you</p>
<p style="text-align: right;">Page 79</p> <p>1 incidents were there where you tried to tell</p> <p>2 Miss Cappabianca that you had been sexually assaulted on</p> <p>3 November 27th?</p> <p>4 A. I don't know.</p> <p>5 Q. Was it more than one time?</p> <p>6 A. Yeah.</p> <p>7 Q. Was it more than two times?</p> <p>8 A. Probably.</p> <p>9 Q. Was it more than three?</p> <p>10 A. Yeah.</p> <p>11 Q. More than four?</p> <p>12 A. I'm not sure. It felt like a lot of times.</p> <p>13 Q. I just need to get a sense of how many times.</p> <p>14 There's a big difference between, for example, three and 20.</p> <p>15 So I want to know, is it less than five or more than five?</p> <p>16 A. 10, 15.</p> <p>17 Q. 10 or 15 times?</p> <p>18 A. Yeah.</p> <p>19 Q. So 10 or 15 separate occasions, you went to see</p> <p>20 Miss Cappabianca at her office?</p> <p>21 A. Yeah.</p> <p>22 Q. Is that where it happened?</p> <p>23 A. Yeah.</p> <p>24 Q. And were you ever able to tell her what happened</p> <p>25 without her interrupting you?</p>	<p style="text-align: right;">Page 81</p> <p>1 somewhere -- you think it was Miss Woods' office -- and she</p> <p>2 asked you what happened.</p> <p>3 A. Yeah.</p> <p>4 Q. And this is the first time she ever let you talk</p> <p>5 about it?</p> <p>6 A. Yeah.</p> <p>7 Q. What did Miss Cappabianca ask you?</p> <p>8 A. She said -- she sat me down and said, tell me what</p> <p>9 happened.</p> <p>10 Q. And, I mean, that is kind of general. Did she get</p> <p>11 into specifics? Did she --</p> <p>12 A. No.</p> <p>13 Q. What did you tell her?</p> <p>14 A. I just told her what happened.</p> <p>15 Q. What happened during the assault, you mean?</p> <p>16 A. Yeah. And she kept rushing me.</p> <p>17 Q. What does that mean?</p> <p>18 A. She just -- Miss Woods kept wanting me to hurry up</p> <p>19 with talking about it.</p> <p>20 Q. Cappabianca didn't want you to hurry up; Woods</p> <p>21 did?</p> <p>22 A. Yeah.</p> <p>23 Q. How long did you spend talking with</p> <p>24 Miss Cappabianca and Miss Woods about the assault?</p> <p>25 A. Probably -- I don't know.</p>

A000000287

Richard P. v. School District

R [REDACTED] P [REDACTED]

March 23, 2005

<p style="text-align: right;">Page 82</p> <p>1 Q. Were the kids out of PASS yet by the time they</p> <p>2 finished?</p> <p>3 A. No, not -- no. Hum-um.</p> <p>4 Q. Did you go back to PASS?</p> <p>5 A. No. I went upstairs in Mrs. Cap's office.</p> <p>6 Q. What happened up there?</p> <p>7 A. B [REDACTED] was up there with me, and --</p> <p>8 Q. B [REDACTED] C [REDACTED]?</p> <p>9 A. Yeah.</p> <p>10 Q. And what happened next?</p> <p>11 A. B [REDACTED] -- or I think B [REDACTED] or Miss Cap said that</p> <p>12 there's donuts downstairs. And that if -- they asked me if</p> <p>13 I wanted one, and I said yeah. And B [REDACTED] went downstairs to</p> <p>14 get me one. And when B [REDACTED] came back up, she said, I heard</p> <p>15 you said that -- you -- I heard you told Miss Cap that I was</p> <p>16 trying to make you give head.</p> <p>17 Q. Was Miss Cappabianca in the room when Becky said</p> <p>18 this to you?</p> <p>19 A. Yeah.</p> <p>20 Q. And what did you say in response to that?</p> <p>21 A. I said no.</p> <p>22 Q. You said no, you didn't tell Cappabianca that?</p> <p>23 A. No, I just said no.</p> <p>24 Q. What did you mean?</p> <p>25 A. That I didn't say that. Even though I did. But I</p>	<p style="text-align: right;">Page 84</p> <p>1 you told Cappabianca that C [REDACTED] had forced you to give</p> <p>2 head, and you said no.</p> <p>3 A. Yeah.</p> <p>4 Q. And was that it? That conversation, was that</p> <p>5 about it?</p> <p>6 A. Yeah.</p> <p>7 Q. Did Linda Cappabianca say anything during the time</p> <p>8 you were in that meeting, in her office with B [REDACTED] C [REDACTED]?</p> <p>9 A. No.</p> <p>10 Q. And some point that afternoon, as I understand it,</p> <p>11 either Miss Woods or Miss Cappabianca told you that they</p> <p>12 were going to get in touch with your father? Is that what</p> <p>13 you said? My memory is not working very well lately.</p> <p>14 A. After the meeting, they -- I mean, not the</p> <p>15 meeting. After that happened -- I don't remember if she</p> <p>16 said that there is going to be a meeting tomorrow at that</p> <p>17 day, or -- I don't remember her saying that there was going</p> <p>18 to be a meeting. I don't remember. But there was a meeting</p> <p>19 the next day.</p> <p>20 Q. So you don't remember whether Miss Cappabianca or</p> <p>21 Miss Woods said there was going to be a meeting?</p> <p>22 A. Yeah.</p> <p>23 Q. What you do remember is there was one.</p> <p>24 A. Yeah.</p> <p>25 Q. Okay. Did you attend that meeting?</p>
<p style="text-align: right;">Page 83</p> <p>1 didn't want to -- because I didn't want to get in a fight.</p> <p>2 Q. What was the point of this, being in the same room</p> <p>3 with Campbell, if you know?</p> <p>4 A. I don't know.</p> <p>5 Q. Did Cappabianca ever explain to you why she</p> <p>6 brought you up there with C [REDACTED]?</p> <p>7 A. No.</p> <p>8 Q. How long were you in the room with C [REDACTED]?</p> <p>9 A. Until we left for PASS.</p> <p>10 Q. How long is that? How many minutes?</p> <p>11 A. Not that long. About 10, 15 minutes.</p> <p>12 Q. Until you left for what? To go home?</p> <p>13 A. Yeah.</p> <p>14 Q. All right. Let me see if I understand this, then.</p> <p>15 You were taken out of PASS by Linda Cappabianca. You were</p> <p>16 taken to Janet Woods' office. She's the principal, right?</p> <p>17 A. Yeah.</p> <p>18 Q. You were then questioned by Cappabianca and Woods</p> <p>19 about what happened. And you told them?</p> <p>20 A. Yeah.</p> <p>21 Q. And when that was done, Cappabianca took you up to</p> <p>22 her office, where you met with B [REDACTED] C [REDACTED]?</p> <p>23 A. Yeah.</p> <p>24 Q. And the three of you were in the room for a number</p> <p>25 of minutes, and during that time, C [REDACTED] asked you whether</p>	<p style="text-align: right;">Page 85</p> <p>1 A. Yeah.</p> <p>2 Q. What time of day was it?</p> <p>3 A. I think it was in the morning. I think.</p> <p>4 Q. Was your mom there?</p> <p>5 A. No.</p> <p>6 Q. Just your dad?</p> <p>7 A. Yeah. And Miss Woods and I think Mr. Ruhl, I</p> <p>8 think.</p> <p>9 Q. Ruhl, R-U-H-L?</p> <p>10 A. Yeah.</p> <p>11 Q. Chris Ruhl?</p> <p>12 A. Yeah.</p> <p>13 Q. So Miss Woods, Mr. Ruhl, your father, and you.</p> <p>14 A. Yeah.</p> <p>15 Q. Right? No one else?</p> <p>16 A. Yeah.</p> <p>17 Q. Okay. Tell me what happened at that meeting.</p> <p>18 A. Miss Cap told my dad that, your daughter has been</p> <p>19 giving head.</p> <p>20 Q. So Linda Cappabianca was also there?</p> <p>21 A. She said she was going to be, but she was</p> <p>22 upstairs.</p> <p>23 Q. All right. So who -- you mean, Miss Woods said</p> <p>24 that Linda Cappabianca said that --</p> <p>25 A. No. Miss Woods told my dad that I was giving</p>

A000000288

Richard P. v. School District

R [REDACTED] P [REDACTED]

March 23, 2005

<p style="text-align: right;">Page 86</p> <p>1 head.</p> <p>2 Q. Okay. Did she use that word?</p> <p>3 A. Yeah.</p> <p>4 Q. Keep going. Did she say anything else?</p> <p>5 A. I really wasn't paying attention. I just started</p> <p>6 crying. And I didn't want to listen. I didn't really pay</p> <p>7 attention after that.</p> <p>8 Q. So you couldn't say what happened the rest of the</p> <p>9 meeting?</p> <p>10 A. Well, I could, but I don't know -- I wasn't</p> <p>11 listening to what she was saying.</p> <p>12 Q. That's what I mean. You weren't listening, so you</p> <p>13 wouldn't be able to tell us what was said?</p> <p>14 A. Yeah.</p> <p>15 Q. How long did that meeting last?</p> <p>16 A. I don't think that long.</p> <p>17 Q. Less than an hour?</p> <p>18 A. Yeah. Probably 30, 35. I'm guessing.</p> <p>19 Q. Had you gone to school that day?</p> <p>20 A. I think they took me out of class, I think.</p> <p>21 Q. Did you at some point in time talk with the</p> <p>22 police?</p> <p>23 A. Yeah.</p> <p>24 Q. Was that the same day or some other day?</p> <p>25 A. I don't remember. I know if I did, it would be</p>	<p style="text-align: right;">Page 88</p> <p>1 Q. After you met with the police at their -- met with</p> <p>2 the sheriffs -- I'm sorry, the sheriff's person at -- where</p> <p>3 was that meeting? The Erie Police Department?</p> <p>4 A. Yeah.</p> <p>5 Q. After you had that meeting, did you ever go back</p> <p>6 to Strong Vincent as a student during seventh grade?</p> <p>7 A. Not during seventh grade.</p> <p>8 Q. Next time you were there, you were in eighth</p> <p>9 grade?</p> <p>10 A. Yeah.</p> <p>11 Q. Did you ever see C [REDACTED] B [REDACTED], A [REDACTED] K [REDACTED]</p> <p>12 or B [REDACTED] C [REDACTED] after the day you were in the police</p> <p>13 station?</p> <p>14 A. I saw B [REDACTED] on the day I saw -- on the day I went</p> <p>15 to the police station. She was there.</p> <p>16 Q. Okay. Did you ever see her after that day?</p> <p>17 A. In a hearing.</p> <p>18 Q. Her hearing?</p> <p>19 A. Yeah. I was testifying, and she was there.</p> <p>20 Q. I see. Do you know whether that was the hearing</p> <p>21 concerning the charges brought against her?</p> <p>22 A. I can't remember.</p> <p>23 Q. In any event, you were both at a hearing together?</p> <p>24 A. Yeah.</p> <p>25 Q. One time?</p>
<p style="text-align: right;">Page 87</p> <p>1 after that day.</p> <p>2 Q. Do you think it was the same week as you talked</p> <p>3 with -- you had this meeting with Miss Woods and Chris Ruhl?</p> <p>4 A. Yeah, I think so.</p> <p>5 Q. And where did the meeting with the police take</p> <p>6 place?</p> <p>7 A. At the police station.</p> <p>8 Q. Who was the police officer you talked with?</p> <p>9 A. It was a sheriff. I don't remember her name.</p> <p>10 Q. It was a woman?</p> <p>11 A. Yeah.</p> <p>12 Q. Pamela Barber?</p> <p>13 A. That sounds familiar.</p> <p>14 Q. Familiar? Why do you think she was a sheriff?</p> <p>15 A. I knew she was. She told me.</p> <p>16 Q. Not an Erie Police Department officer?</p> <p>17 A. No.</p> <p>18 Q. Have you ever spoken with Detective Stanley Green?</p> <p>19 A. I don't remember.</p> <p>20 Q. You remember Pamela Barber, though.</p> <p>21 A. Yeah.</p> <p>22 Q. Was that the only time you talked with the police,</p> <p>23 just that one time?</p> <p>24 A. I think so. I spent a long time there. I don't</p> <p>25 know if I went back. I can't remember.</p>	<p style="text-align: right;">Page 89</p> <p>1 A. Yeah.</p> <p>2 Q. Was that the last time you saw Becky?</p> <p>3 A. Yeah.</p> <p>4 Q. Did you ever see C [REDACTED] B [REDACTED] again after you</p> <p>5 went to the police?</p> <p>6 A. I saw him at the mall last year.</p> <p>7 Q. Is that the only time?</p> <p>8 A. Saw him at Top's before I -- before my dad -- my</p> <p>9 parents knew about what happened.</p> <p>10 Q. I'm talking about after you were interviewed by</p> <p>11 the police -- the sheriff's officer at the Erie Police</p> <p>12 Department. You saw C [REDACTED] B [REDACTED] at the mall one time?</p> <p>13 A. Yeah.</p> <p>14 Q. Ever see him again?</p> <p>15 A. No.</p> <p>16 Q. And B [REDACTED], did you ever see her after you saw her</p> <p>17 down at the police department, aside from that hearing?</p> <p>18 A. No.</p> <p>19 Q. A [REDACTED] K [REDACTED], have you ever seen him since the</p> <p>20 day of the assault?</p> <p>21 A. The hearing. I mean, at the hearing.</p> <p>22 Q. Is that the only time?</p> <p>23 A. Yeah.</p> <p>24 Q. Did you tell either your mom or your dad before</p> <p>25 Janet Woods made that statement in that meeting about giving</p>

A000000289

Richard P. v. School District

R [REDACTED] P [REDACTED]

March 23, 2005

<p style="text-align: right;">Page 90</p> <p>1 head, did you ever tell your parents before that day about</p> <p>2 the assault?</p> <p>3 A. No.</p> <p>4 Q. About either one of the assaults?</p> <p>5 A. No.</p> <p>6 Q. Why not?</p> <p>7 A. I was -- I thought they were going to be mad.</p> <p>8 Q. Did you have a specific reason for thinking they</p> <p>9 might be mad, or was it just a general fear? Let me restate</p> <p>10 that. Had they ever done anything or said anything before</p> <p>11 that led you to believe that they might be mad if you told</p> <p>12 them that?</p> <p>13 A. No. I just felt like it was my fault.</p> <p>14 Q. Why did you think it was your fault?</p> <p>15 A. Because nobody was doing anything about it.</p> <p>16 Q. Well, you went home -- you told us you went home</p> <p>17 the evening of the assault and did not tell your parents.</p> <p>18 Correct?</p> <p>19 A. Yeah.</p> <p>20 Q. Why didn't you tell them that night?</p> <p>21 A. I was too scared.</p> <p>22 Q. What were you afraid of?</p> <p>23 A. It's kind of nerve-racking when something happens</p> <p>24 to you like that.</p> <p>25 Q. Why was it you tried to tell Linda Cappabianca</p>	<p style="text-align: right;">Page 92</p> <p>1 Mr. Ruhl besides -- well, strike that. During the meeting</p> <p>2 when Jan Woods said what she said about your giving head,</p> <p>3 during that meeting, did Mr. Ruhl say anything you could</p> <p>4 remember and repeat for us?</p> <p>5 A. I can't remember.</p> <p>6 Q. All right. Did you ever have a meeting with Mr.</p> <p>7 Ruhl at any time besides that meeting that day?</p> <p>8 A. No.</p> <p>9 Q. Did you even know who he was?</p> <p>10 A. No, I didn't know him.</p> <p>11 Q. Did you ever have a conversation before that day</p> <p>12 with Janet Woods, the principal?</p> <p>13 A. No. Not one on one.</p> <p>14 Q. Not one on one?</p> <p>15 A. Hum-um.</p> <p>16 Q. Under what circumstances had -- had you ever heard</p> <p>17 her speak; Janet Woods?</p> <p>18 A. Yeah.</p> <p>19 Q. Was that at like meetings or something like that?</p> <p>20 A. In front of the school.</p> <p>21 Q. Right.</p> <p>22 A. It was -- the kids were going to go in the</p> <p>23 auditorium. She speaks.</p> <p>24 Q. Okay. Did you ever have a class meeting your</p> <p>25 first year there at Strong Vincent about -- where the</p>
<p style="text-align: right;">Page 91</p> <p>1 about it, but you did not try to tell your parents about it?</p> <p>2 A. Because I thought she could do something about it,</p> <p>3 because she's --</p> <p>4 Q. What did -- go ahead, I'm sorry.</p> <p>5 A. Because she's there at the school.</p> <p>6 Q. When Linda Cappabianca would not discuss the</p> <p>7 subject with you, did you try to talk with anyone else at</p> <p>8 the school about it?</p> <p>9 A. That substitute lady. I didn't tell her. I</p> <p>10 told -- I just said that B [REDACTED] is trying to make me give</p> <p>11 head to people.</p> <p>12 Q. That was the day of the stairway incident?</p> <p>13 A. Yeah.</p> <p>14 Q. What did she -- I don't know if you described this</p> <p>15 before. What did she say in response?</p> <p>16 A. She said, oh, that happened to me once; I know</p> <p>17 what --</p> <p>18 Q. Oh, right. Do you remember being in the SAP</p> <p>19 program at Strong Vincent?</p> <p>20 A. No.</p> <p>21 Q. The Student Assistance Program?</p> <p>22 A. (Witness shakes head.)</p> <p>23 Q. You don't remember that?</p> <p>24 A. No.</p> <p>25 Q. Did you at any time ever have a conversation with</p>	<p style="text-align: right;">Page 93</p> <p>1 subject discussed was kids bothering other kids or students</p> <p>2 bothering other students?</p> <p>3 A. Yeah. When the kids went in the auditorium.</p> <p>4 Q. Was that your grade that had that, or was it all</p> <p>5 the grades together?</p> <p>6 A. I'm not sure.</p> <p>7 Q. Were there speakers at that meeting?</p> <p>8 A. Alls I remember is Miss Woods talking and this man</p> <p>9 talking.</p> <p>10 Q. Do you remember the man's name?</p> <p>11 A. No.</p> <p>12 Q. Did he have a uniform on?</p> <p>13 A. I can't remember.</p> <p>14 Q. Did Ms. Woods talk -- she talked about kids</p> <p>15 bothering kids, though?</p> <p>16 A. Yeah.</p> <p>17 Q. Did she encourage kids to come and see her if you</p> <p>18 were bothered?</p> <p>19 A. Yeah.</p> <p>20 Q. Did you remember that, after that?</p> <p>21 A. Yeah.</p> <p>22 Q. So why didn't you go see Ms. Woods? She had made</p> <p>23 an offer to you.</p> <p>24 A. Because she also put Miss Cap's name in it too.</p> <p>25 Q. She said come and see Miss Cappabianca or see me,</p>

Richard P. v. School District

A000000290

R [REDACTED] P [REDACTED]

March 23, 2005

Page 94

1 you mean?

2 A. Yeah.

3 Q. But Miss Cappabianca was giving you no

4 satisfaction, right?

5 A. What do you mean?

6 Q. You were trying to talk to her, and she wouldn't

7 listen to you.

8 A. Yeah.

9 Q. So why not see Miss Woods?

10 A. I didn't think of it.

11 Q. Do you remember Miss Woods at cafeteria time

12 coming around and sitting down and talking to kids?

13 A. No, I don't remember.

14 Q. Don't remember anything like that?

15 A. No.

16 Q. Do you remember her ever talking at cafeteria time

17 about kids bothering kids?

18 A. I don't remember that either.

19 Q. No? All right. Did you have a guidance counselor

20 assigned to you?

21 A. Yeah. I don't remember her name, though.

22 Q. It was a woman?

23 A. Yeah.

24 Q. It wasn't Mr. Bufalino?

25 A. I remember having a female counselor. I'm not

Page 95

1 sure if she was my guidance counselor or not.

2 Q. Did you ever talk to her?

3 A. Yeah.

4 Q. What did you talk to her about?

5 A. I told her that these boys are bothering me after

6 PASS.

7 Q. Were you referring to the assault?

8 A. Yeah.

9 Q. Assault number one?

10 A. Yeah. I was also talking about like they were

11 bothering me in school too.

12 Q. Did you get more detailed than "bother"?

13 A. Hum-um. She -- I don't know.

14 (Witness asked for clarification by reporter.)

15 A. I said "she", and I said "I don't know".

16 MR. OLDS: She did what?

17 MR. MARNEN: R [REDACTED] was repeating what she said

18 for the reporter.

19 Q. So you told the guidance counselor, who was a

20 woman, that the kids were bothering you -- kids bother you

21 after PASS. Right?

22 A. Yeah.

23 Q. And also you told her that they were also

24 bothering you in school since that time. Right?

25 A. Yeah.

Page 96

1 Q. Did you tell her who they were?

2 A. I said C [REDACTED] and B [REDACTED]

3 Q. Did you tell her that you had been sexually

4 assaulted on November 27th?

5 A. No.

6 Q. Did you tell her that since that assault, B [REDACTED]

7 was trying to bully you into doing the same thing on other

8 boys?

9 A. No. I just said she's bothering me.

10 Q. Was there a reason you didn't get more specific

11 than that?

12 A. I didn't really feel comfortable.

13 Q. Okay. What did she say, if anything, in response

14 to your complaint?

15 A. Well, she -- she -- after PASS, she came and --

16 came to see me, and --

17 Q. She came to your house?

18 A. No. After PASS, she went in my classroom to go

19 get me. And she -- we stayed in the school until they left,

20 because there -- people were waiting outside for me. And we

21 just -- she just stayed in the school with me until they

22 left, so I can go walk to the Laundromat.

23 Q. Did she ever tell you she was going to do

24 something about it?

25 A. No.

Page 97

1 Q. Did she do anything about it, if you know?

2 A. No. Not that I know of.

3 Q. Can you give me some idea when this conversation

4 took place?

5 A. A little before the meeting with my dad and

6 Miss Woods.

7 Q. Does that mean a couple days?

8 A. Yeah. I'd say.

9 (Discussion held off the record.)

10 (Recess held from 2:34 p.m. till 2:40 p.m.)

11 Q. Was the guidance counselor's name Mary Jane

12 Dillon?

13 A. I don't remember.

14 Q. But it was a woman.

15 A. Yeah.

16 Q. I think you said -- I just want to make sure that

17 I understood you correctly -- that you saw Miss Cappabianca

18 10 or 15 times, and she cut you off before you were able to

19 tell her more than kids are bothering me.

20 A. Yeah.

21 Q. Except the last time. Right? Am I -- my memory

22 is not working well.

23 MR. OLDS: Yeah, that was it. The last time she

24 went through the whole thing. There was an

25 incident that you haven't asked her about where

Richard P. v. School District

A000000291

R [REDACTED] P [REDACTED]

March 23, 2005

<p style="text-align: right;">Page 98</p> <p>1 Miss Cap called her father while R [REDACTED] was in the</p> <p>2 office.</p> <p>3 MR. MARNEN: That's right. Thank you very much,</p> <p>4 Ed.</p> <p>5 Q. You met with Miss Woods and Miss Cappabianca in</p> <p>6 the afternoon, and they took you out of PASS. And at some</p> <p>7 point someone said they were going to call your father.</p> <p>8 Right?</p> <p>9 A. Yeah.</p> <p>10 Q. Did they call him in front of you?</p> <p>11 A. Once. Miss Cap did.</p> <p>12 Q. Oh, on one occasion. But that was not in Janet</p> <p>13 Woods' office. That was some other time.</p> <p>14 A. Yeah.</p> <p>15 Q. Was that before or after the assault?</p> <p>16 A. After.</p> <p>17 Q. And why were you in Linda Cappabianca's office?</p> <p>18 A. Trying to tell her that the kids were bothering</p> <p>19 me.</p> <p>20 Q. And she cut you off?</p> <p>21 A. Yeah.</p> <p>22 Q. Did she then call your father?</p> <p>23 A. Yeah.</p> <p>24 Q. In your presence?</p> <p>25 A. Yeah.</p>	<p style="text-align: right;">Page 100</p> <p>1 Q. Okay. So why in the world was she saying you were</p> <p>2 a filthy little girl, then?</p> <p>3 A. I don't know. Probably -- probably because that</p> <p>4 was the day that my music teacher took me out of class, told</p> <p>5 me to get out of class because the kids kept bothering me,</p> <p>6 saying, oh, yeah, you gave C [REDACTED] B [REDACTED] head and stuff.</p> <p>7 And then the other boys in the class were asking if I would</p> <p>8 do that to them. And at that point I was getting very</p> <p>9 angry, and I went up to the teacher, and I said, if they say</p> <p>10 stuff to me one more time, I'm going to end up throwing</p> <p>11 chairs. And he said, I want you out of this classroom.</p> <p>12 So I went to Miss Cap's office, and then that's</p> <p>13 when she called my dad.</p> <p>14 Q. Who was the music teacher?</p> <p>15 A. I don't remember. It's --</p> <p>16 Q. A man?</p> <p>17 A. Yeah.</p> <p>18 Q. Did that music teacher hear -- was he close enough</p> <p>19 to hear what the other kids were saying to you?</p> <p>20 A. I don't know. I know he's in the room, though.</p> <p>21 Q. Did he say anything that led you to believe that</p> <p>22 he overheard what they said to you?</p> <p>23 A. No.</p> <p>24 Q. Did you then go directly from music class to</p> <p>25 Miss Cappabianca's office?</p>
<p style="text-align: right;">Page 99</p> <p>1 Q. And what did you hear about the -- what part of</p> <p>2 the conversation did you hear? Recount the conversation you</p> <p>3 heard, please.</p> <p>4 A. I didn't hear everything. She said that, "Your</p> <p>5 daughter is being a filthy little girl."</p> <p>6 Q. Is that the only thing you remember her saying to</p> <p>7 your father?</p> <p>8 A. Yeah. And then she gave the phone to me.</p> <p>9 Q. Okay. Up to that time, you had only -- if I</p> <p>10 understand it correctly -- and please correct me if I'm</p> <p>11 wrong -- you had only told Miss Cappabianca that kids were</p> <p>12 bothering you, and then she would cut you off?</p> <p>13 A. Huh?</p> <p>14 Q. I think you said -- but maybe I'm wrong -- that up</p> <p>15 until the very last time you had the conversation in</p> <p>16 Miss Woods' office, every time you tried to bring up the</p> <p>17 subject of kids bothering you, and you would say kids are</p> <p>18 bothering me or things to that -- that effect,</p> <p>19 Miss Cappabianca would cut you off, and you would never be</p> <p>20 able to tell her what they were doing to bother you. Right?</p> <p>21 A. Yeah. I would try to tell her that they were</p> <p>22 making me give head.</p> <p>23 Q. You would try, but you never got it out of your</p> <p>24 mouth, because she would cut you off. Right?</p> <p>25 A. Yeah.</p>	<p style="text-align: right;">Page 101</p> <p>1 A. Yeah.</p> <p>2 Q. Did you go with -- were you escorted by the music</p> <p>3 teacher?</p> <p>4 A. No.</p> <p>5 Q. You went by yourself?</p> <p>6 A. Yeah.</p> <p>7 Q. Was it just down the hall?</p> <p>8 A. Yeah.</p> <p>9 Q. So you got there without the music teacher, right?</p> <p>10 A. Yeah.</p> <p>11 Q. Are there telephones in the teachers' rooms?</p> <p>12 A. I can't remember.</p> <p>13 Q. And when you got there, what did you say to</p> <p>14 Miss Cappabianca?</p> <p>15 A. Well, I tried to tell her that they kept bothering</p> <p>16 me. That's why I got kicked out of class.</p> <p>17 Q. Did you tell Miss Cappabianca on that occasion</p> <p>18 that the other kids were bothering you in the sense that</p> <p>19 they were asking you to give head? Did you tell</p> <p>20 Miss Cappabianca then?</p> <p>21 A. No, she wouldn't let me.</p> <p>22 Q. But then she called your father and said you're a</p> <p>23 dirty little girl.</p> <p>24 A. I'm a filthy little girl.</p> <p>25 Q. Filthy little girl. So I gather, then, you don't</p>

A000000292

Richard P. v. School District

R [REDACTED] P [REDACTED]

March 23, 2005

<p style="text-align: right;">Page 102</p> <p>1 know what she was basing that on.</p> <p>2 A. No.</p> <p>3 Q. It certainly wasn't based on anything you told</p> <p>4 her, right?</p> <p>5 A. Right.</p> <p>6 Q. Because you never told her anything. You just</p> <p>7 said they were bothering you.</p> <p>8 A. Yes.</p> <p>9 Q. And my notes also tell me that at some point --</p> <p>10 and I'm just -- here is what the note says. "I know what</p> <p>11 happened," and I'm not sure what that means. Did</p> <p>12 Miss Cappabianca say something to you like that at one time?</p> <p>13 A. Yeah. When I was trying to tell her again, she</p> <p>14 said, "I know what happened."</p> <p>15 Q. Oh. When was this, R [REDACTED]?</p> <p>16 A. I don't remember when.</p> <p>17 Q. Was it the meeting with your dad?</p> <p>18 A. No. It was before my dad knew.</p> <p>19 Q. Remember, we talked about the meeting with</p> <p>20 Miss Woods and Miss Cappabianca where you were taken out of</p> <p>21 PASS. Was it before that?</p> <p>22 A. Yeah, it was before.</p> <p>23 Q. So Miss Cappabianca said sometime before that, "I</p> <p>24 know what happened."? That's when she cut you off this one</p> <p>25 time? Is that what you mean?</p>	<p style="text-align: right;">Page 104</p> <p>1 Q. What did you say?</p> <p>2 A. I just looked at her; gave her a blank look and</p> <p>3 left.</p> <p>4 Q. Did you know on the evening of -- the night you</p> <p>5 were assaulted that K [REDACTED] was also assaulted?</p> <p>6 A. Yeah.</p> <p>7 Q. I don't want to know anything about the details of</p> <p>8 that one either. But did you witness it?</p> <p>9 A. I seen her from a distance. She was shaking her</p> <p>10 head no and going like this (indicating).</p> <p>11 Q. Did you and K [REDACTED] ever talk about that, that</p> <p>12 day, between yourselves after that day?</p> <p>13 A. No. Well, I asked her how she felt about it. She</p> <p>14 didn't answer me.</p> <p>15 Q. Did she ever ask you anything or say anything to</p> <p>16 you about it, ever?</p> <p>17 A. No.</p> <p>18 Q. A couple hours ago, you and I started talking</p> <p>19 about difficulties you had with B [REDACTED] C [REDACTED] before the</p> <p>20 assault. And the one I remember right now is I think you</p> <p>21 said was the first one. It was in a class where someone was</p> <p>22 speaking about something or they showed a movie, and they</p> <p>23 brought -- someone brought two classes together for that to</p> <p>24 happen.</p> <p>25 A. Yeah.</p>
<p style="text-align: right;">Page 103</p> <p>1 A. Can you --</p> <p>2 Q. I'm going too fast. I'm sorry. Was this a</p> <p>3 meeting with Miss Cappabianca in her office?</p> <p>4 A. No, I went to her office again.</p> <p>5 Q. What?</p> <p>6 A. I went to her office again.</p> <p>7 Q. Whose office?</p> <p>8 A. Miss Cap's.</p> <p>9 Q. So you were in Miss Cappabianca's office when she</p> <p>10 said this?</p> <p>11 A. Yeah. I wanted to talk to her.</p> <p>12 Q. Did you go there again to tell her you were being</p> <p>13 bothered?</p> <p>14 A. Yeah.</p> <p>15 Q. Did you tell her you were being bothered?</p> <p>16 A. She wouldn't let me get it out.</p> <p>17 Q. You didn't even get that out?</p> <p>18 A. No.</p> <p>19 Q. You just walked in the room, and she said, "I know</p> <p>20 what happened."?</p> <p>21 A. No. I tried to keep telling her, and she tried to</p> <p>22 keep cutting me off. And then she just said, "I know what</p> <p>23 happened."</p> <p>24 Q. Did she explain that?</p> <p>25 A. No.</p>	<p style="text-align: right;">Page 105</p> <p>1 Q. And during that session, B [REDACTED] C [REDACTED] said she</p> <p>2 wanted to fight you.</p> <p>3 A. Yeah.</p> <p>4 Q. And I think you talked about another occasion. I</p> <p>5 think it might have been the cafeteria. Where she said she</p> <p>6 was going to get --</p> <p>7 A. No. In the gym room.</p> <p>8 Q. The gym room. But that's the one where you end up</p> <p>9 going down the stairwell, right? No, I'm sorry. You just</p> <p>10 reminded me what your testimony was. There were three</p> <p>11 events you talked about. One was in the classroom, one in</p> <p>12 the gym, and the third one was outside the gym, and they</p> <p>13 push you down the stairwell. Right?</p> <p>14 A. Yeah.</p> <p>15 Q. Okay. In the gym itself, tell me a little more</p> <p>16 about that.</p> <p>17 A. I was sitting on the bleachers, and she said --</p> <p>18 she was talking -- I saw her talking to these girls and</p> <p>19 looking at me. And she was like, I want to give you head up</p> <p>20 after school; meet me after school. And I said, well, I got</p> <p>21 detention. I didn't -- I didn't really. I just wanted to</p> <p>22 get out of that situation. She's like, well, I'll be here</p> <p>23 after detention. And I said okay. But I went a different</p> <p>24 way home. A long way.</p> <p>25 Q. All right. Were those the only three problems you</p>

A000000293

Richard P. v. School District

R [REDACTED] P [REDACTED]

March 23, 2005

<p style="text-align: right;">Page 106</p> <p>1 had with B [REDACTED] C [REDACTED] before the night of the assault, the</p> <p>2 first assault?</p> <p>3 A. Yeah, I guess.</p> <p>4 Q. At any time prior to the first assault, did you</p> <p>5 complain to any teacher or anybody in the office about Becky</p> <p>6 bothering you?</p> <p>7 A. No.</p> <p>8 Q. I may be covering old ground here, and forgive me</p> <p>9 if I am. Did you have any difficulties with C [REDACTED] E [REDACTED]</p> <p>10 before the night of the assault?</p> <p>11 A. No.</p> <p>12 Q. Do you know whether K [REDACTED] L [REDACTED] had any</p> <p>13 difficulties with -- from what you saw -- with C [REDACTED] B [REDACTED]</p> <p>14 or B [REDACTED] C [REDACTED] before the night of the assault?</p> <p>15 A. Before?</p> <p>16 Q. Yes.</p> <p>17 A. Not that I know of.</p> <p>18 Q. So if she did, you didn't see it.</p> <p>19 A. Yeah.</p> <p>20 Q. Okay. Let's talk a little bit about your life</p> <p>21 since you left Strong Vincent. Okay?</p> <p>22 A. Okay.</p> <p>23 Q. We talked a little about it early in the</p> <p>24 deposition. Just tell -- I don't want you to relive the</p> <p>25 details of that incident. I don't want to talk about that.</p>	<p style="text-align: right;">Page 108</p> <p>1 your counselors?</p> <p>2 A. I remember these two counselors that used to come</p> <p>3 to our house, and it was a family counsel -- counselors, I</p> <p>4 think it was, and I didn't want to talk to them. I just</p> <p>5 flipped them off and said F-U. I didn't want to talk to</p> <p>6 them.</p> <p>7 Q. There was a time when you tried to hurt people</p> <p>8 with words too?</p> <p>9 A. Yeah. A lot.</p> <p>10 Q. And some of these words were swear words, bad</p> <p>11 words?</p> <p>12 A. Yeah.</p> <p>13 Q. Nasty names?</p> <p>14 A. Yeah.</p> <p>15 Q. Are you still like that?</p> <p>16 A. No.</p> <p>17 Q. Do you think you have improved at any time since</p> <p>18 the -- let me try again. I don't mean to -- I'm not trying</p> <p>19 to put words in your mouth, but sometimes it helps if I do</p> <p>20 most of the talking.</p> <p>21 Did you get worse and worse and worse and then</p> <p>22 start getting better, or has it been about the same ever</p> <p>23 since, or has it -- or has it gotten worse and you just keep</p> <p>24 getting worse?</p> <p>25 A. I think in the beginning, it was slow, but then I</p>
<p style="text-align: right;">Page 107</p> <p>1 But I want to understand how you felt since that time, from</p> <p>2 that time to the present time. Tell me what's been going on</p> <p>3 in your head.</p> <p>4 A. I first -- I was kind of confused, because the --</p> <p>5 I tried to tell somebody that you're supposed to trust, and</p> <p>6 it made me feel like it was my fault. And inside, I felt</p> <p>7 sorrow, but I expressed it as -- I expressed it as if I was</p> <p>8 angry inside. But inside, I was really having a lot of</p> <p>9 sorrow.</p> <p>10 Q. And as a result, you -- you lost your temper</p> <p>11 sometimes?</p> <p>12 A. Yeah. Usually all the time.</p> <p>13 Q. All the time.</p> <p>14 A. Yeah.</p> <p>15 Q. An awful lot, then.</p> <p>16 A. Yeah.</p> <p>17 Q. And that caused you to get into physical problems</p> <p>18 and hitting people, that kind of thing?</p> <p>19 A. Yeah.</p> <p>20 Q. Fellow students? Other kids?</p> <p>21 A. Not only fights, but I'd, like, go in rages, you</p> <p>22 know, and just kind of throw things around and scream.</p> <p>23 Q. Break things?</p> <p>24 A. Yeah.</p> <p>25 Q. Have you gotten into fights with your teachers or</p>	<p style="text-align: right;">Page 109</p> <p>1 started to get worse and more worse and worse. And then I</p> <p>2 started to get better. And now I'm just -- I still, like,</p> <p>3 have depression, but it ain't as bad as before.</p> <p>4 Q. Do you still try to hurt people? Either</p> <p>5 physically or with words?</p> <p>6 A. Oh, when I get -- when -- well, mostly with words,</p> <p>7 yeah.</p> <p>8 Q. Were you angry with me this morning?</p> <p>9 A. No.</p> <p>10 Q. Just upset?</p> <p>11 A. Yeah.</p> <p>12 Q. I forgot; where are you in school now?</p> <p>13 A. I'm at North East High.</p> <p>14 Q. North East, that's right. How are things going</p> <p>15 there?</p> <p>16 A. Good.</p> <p>17 Q. Do kids bother you?</p> <p>18 A. No.</p> <p>19 Q. Does anybody know what happened to you at Strong</p> <p>20 Vincent; anybody out there, as far as you know?</p> <p>21 A. That I know, no, nobody knows.</p> <p>22 Q. Did your family move out there because of what</p> <p>23 happened at Strong Vincent?</p> <p>24 A. I'm not sure why we moved.</p> <p>25 Q. Okay. Your parents made that decision.</p>

A000000294

Richard P. v. School District

Re [REDACTED] Po [REDACTED]

March 23, 2005

Page 110

1 A. Yeah.

2 MR. MARNEN: Give me a couple minutes, if you

3 would. I think I'm about done.

4 (Recess held from 2:57 p.m. till 3:12 p.m.)

5 Q. [REDACTED], do you remember at some time after the

6 assault, the first assault, being told to leave

7 Miss Scully's class and go see Miss Cappabianca because

8 you --

9 A. Yes.

10 Q. -- told someone to stop bothering you?

11 A. Yeah.

12 Q. Do you remember that event?

13 A. Yeah.

14 Q. And you used some bad language?

15 A. Yeah.

16 Q. One of those -- did one of the words you used

17 begin with the letter "F"?

18 A. Yeah.

19 Q. Was that after Christmas break?

20 A. I can't remember.

21 Q. Did she send you to see Miss Cappabianca or

22 someone else?

23 A. She gave me a counselor.

24 Q. Miss Scully sent you to a counselor?

25 A. Yeah.

Page 111

1 Q. Which one?

2 A. The lady that --

3 Q. You talked to before?

4 A. Yeah.

5 Q. Was that the time you talked with the counselor?

6 A. Yeah.

7 Q. So you did not see Miss Cappabianca that day, or

8 did you?

9 A. I think I went to her office. I don't remember.

10 Q. Cappabianca's office, you mean?

11 A. Yeah.

12 Q. Did you have a conversation with Miss Cappabianca

13 that day?

14 A. Not that I remember.

15 Q. Okay. After the first assault, which you said

16 happened on November 27th, 2001, you said that there were

17 times when Becky Campbell bothered you. Right?

18 A. Yeah.

19 Q. Did anybody besides B [REDACTED] C [REDACTED] bother you

20 after the assault?

21 A. A lot -- practically -- a lot of people. Like the

22 whole school knew. And everybody was bothering me. Like

23 when I walked down the halls. Some people I didn't even

24 know, they will just start saying stuff to me.

25 Q. And the kinds of things they were saying, give me

Page 112

1 some idea what they were saying. I don't want to -- mean to

2 relive all the gory details, but I do to some extent have to

3 do that.

4 A. Like I heard -- the girls would be like, I heard

5 you gave C [REDACTED] B [REDACTED] head. Or the guys being -- they will

6 be asking me if I would give them head. If I didn't -- if I

7 would say no, some of them would get mad.

8 Q. Did anyone after the assault, aside from that

9 incident in the stairwell, physically threaten you?

10 A. This boy named T [REDACTED] --

11 KRISTINA L [REDACTED] A [REDACTED]

12 A. I can't remember.

13 KRISTINA L [REDACTED] That's his real name. His name is

14 T [REDACTED]

15 Q. There is an A [REDACTED] F [REDACTED] Was he --

16 A. Not the one that was there that night.

17 Q. Okay. Someone else named T [REDACTED]

18 A. Yeah.

19 Q. And not A [REDACTED] K [REDACTED] either.

20 A. No.

21 Q. The night of the assault, were there two T [REDACTED]

22 there; one A [REDACTED] one A [REDACTED]

23 A. Yeah. One Tone and one A [REDACTED]

24 Q. Was T [REDACTED] real name A [REDACTED], if you know?

25 A. I don't know.

Page 113

1 Q. But it was neither one of those guys.

2 A. No.

3 Q. It was somebody else.

4 A. Yeah.

5 Q. What did he do in the nature of physical -- an

6 attempt to physically assault you?

7 A. No, he said, if you don't give me head, I'm -- I'm

8 going to get -- I'm going to get B [REDACTED] to give you head up.

9 Q. And that was it?

10 A. Yeah.

11 Q. All of this bothering you took place during school

12 hours?

13 A. Yeah.

14 Q. And when you went to see Miss Cappabianca, I

15 gather those are the kinds of things you were trying to talk

16 to her about, and she would cut you off.

17 A. Yeah.

18 Q. I want to move on to the treatment you have

19 received. But before I do that, I want to ask you about the

20 date of the assault. You have very clearly testified -- and

21 I respect your testimony -- very clearly testified that it

22 occurred on November 27, 2001. But if you'll look at

23 Exhibit J, which --

24 MR. OLDS: That's this one (indicating).

25 Q. -- which Mr. Olds is showing you, please note that

Richard P. v. School District

A000000295

R [REDACTED] P [REDACTED]

March 23, 2005

<p style="text-align: right;">Page 114</p> <p>1 on the first page it says it happened on December 19, 2001. 2 (Discussion held off the record.) 3 Q. What I want to know, if you have any insight, any 4 idea as to why the police report says December 19, but you 5 know it happened on November 27th. 6 A. Because on that -- the first incident, there was 7 leftover turkey from Thanksgiving. 8 Q. Right. 9 A. And Y [REDACTED] -- I can't pronounce her name, but 10 I'm going to say Y [REDACTED]. And I asked her if I could have 11 a drink of her pop. And after I did that, I said, well, I 12 feel like I'm going to throw up. And then she kind of got 13 worried; she thought I was sick. And I said, it could have 14 been just the leftover turkey that I ate from Thanksgiving. 15 Q. Okay. Now, what I was trying to ask you, and did 16 a bad job of it, was do you have any idea why the police 17 report says it happened on December 19th, when you know it 18 happened on November 27th? And if you don't know, just say 19 I don't know. But I just wondered if you had any idea why 20 they made a mistake. 21 A. I'm not sure. 22 (Discussion held off the record.) 23 Q. I don't have any medical records in front of me, 24 but I have an outline I did. And as I understand it, you at 25 a point in time were admitted to Millcreek Community</p>	<p style="text-align: right;">Page 116</p> <p>1 Q. But you occasionally see people, don't you, for 2 treatment? 3 A. Yeah. 4 Q. Who has been your principal doctor since the time 5 you left Strong Vincent? Doctor that takes -- that counsels 6 you and talks to you about your problems. 7 A. I don't have a doctor that talks about my 8 problems. 9 Q. All right. 10 A. But they prescribe me pills. 11 Q. Okay. 12 A. That's Dr. Wilson. 13 Q. Dr. Wilson sees you most? 14 A. Yeah. 15 Q. Do you remember seeing a Dr. Albaugh too? 16 A. No, I can't remember. 17 Q. It's a woman. Mary Anne Albaugh? 18 A. No. 19 Q. How about Dr. Joy? 20 A. Yeah. 21 Q. When you see Dr. Wilson, do you see -- is that a 22 man? 23 A. Yeah. 24 Q. Do you see him at Millcreek Community Hospital? 25 A. No. When I went there, I -- I think I had a</p>
<p style="text-align: right;">Page 115</p> <p>1 Hospital. 2 A. Yeah. 3 Q. I have March 26th, 2002. And you were in there 4 for a week, till April 2, 2002. Do you remember that 5 hospitalization? 6 A. Yeah. 7 Q. Tell me about the events that led up to that. 8 What caused you to be hospitalized, and why, in your mind, 9 were you hospitalized, and what was your condition? 10 A. I think the first time was when I was -- no, I 11 think the -- hold on. I don't -- wait. I think the third 12 time I was there, because I locked myself in the bathroom at 13 my house, and I started banging my head off the wall. And 14 that was the night that I stabbed my dad. 15 Q. Do you think that was the third time you were in 16 the hospital? 17 A. Yeah. And the second time was as -- like -- I 18 can't remember. I know I was hurting myself, but I don't 19 remember how. And the first time, I was hurting myself too, 20 but I don't remember how. 21 Q. And all three times were you living at home? 22 A. Yeah. 23 Q. Were you hospitalized three times and only three 24 times? 25 A. Yeah, only three times.</p>	<p style="text-align: right;">Page 117</p> <p>1 different doctor. 2 Q. At Millcreek? 3 A. Yeah. 4 Q. Where do you see Dr. Wilson? 5 A. Now? 6 Q. Yes. Where is he? At his office do you see him? 7 A. Yeah, I just go to his office. 8 MR. MARNEN: I'm going to get the medical records. 9 I think it would be more useful to do it that way. 10 So I'll be right back. 11 (Discussion held off the record.) 12 Q. Here is a two-page record dated April 10, 2002. 13 It is signed by -- I can't read the first name, but the last 14 name looks like Brown-Martinez. Do you remember that name? 15 A. No. 16 Q. Jennifer Vaglia (phonetic)? 17 A. No. 18 Q. In early 2002, you went to Sarah Reed, and you 19 were very sad, as I understand it. 20 A. Yeah. 21 Q. All the time? 22 A. Yeah. 23 Q. And you -- looking at the records, the fancy word 24 used for that is dysthymia, which is a chronic sadness, very 25 deep sadness. Does that accurately describe what you were</p>

Richard P. v. School District

A000000296

R [REDACTED] P [REDACTED]

March 23, 2005

Page 118

1 like?

2 A. Yeah.

3 Q. Do you feel the same way today as you did then, in

4 that regard?

5 A. No. I'm not --

6 Q. You have improved a bit over time?

7 A. Yeah.

8 Q. And you were also diagnosed with opposition

9 defiant disorder, ODD. Does that ring a bell?

10 A. No.

11 Q. Well, it basically means that you were having a

12 lot of trouble with authority. You were acting out with

13 respect to your teachers and your counselors and your

14 doctors. Does that ring a bell?

15 A. I have had problems in the past, but I never got

16 told that I had ODD.

17 Q. Okay. And there's an entry in here that,

18 "R [REDACTED] --" this is in April of 2002. "R [REDACTED] had been

19 experiencing bouts of depression, alternating between

20 anger." Does that sound right to you?

21 A. What does that mean?

22 Q. Well, it sounds to me like it means you were very

23 sad and very angry, but not necessarily at the same time.

24 A. Yeah.

25 Q. Back and forth. Does that sound right to you?

Page 119

1 A. Yeah.

2 Q. You were also -- you were also counseling with

3 Rape Crisis for a while, weren't you?

4 A. Yeah.

5 Q. What was that all about? What was going on there?

6 A. We just talked.

7 Q. What kind of things did you talk -- did you talk

8 about what happened to you?

9 A. Yeah.

10 Q. In detail, or --

11 A. A couple times we went into detail.

12 Q. Okay.

13 A. But we stopped because I didn't feel comfortable

14 enough to --

15 Q. Were the Rape Crisis counselors ladies?

16 A. I only had one, and it was Denise.

17 Q. Denise. It was a woman, then. And did she help

18 you?

19 A. Yeah.

20 Q. Did she help you learn that it was not your fault?

21 A. Yeah.

22 Q. How have your grades been since the assault? Were

23 they bad in the beginning?

24 A. Yeah, in the beginning.

25 Q. After the assault. Have they improved over time?

Page 120

1 A. Yeah.

2 Q. Are you back to where you were on your grades

3 before the assault?

4 A. I'm on the honor roll.

5 Q. Are you? Good. Were you on the honor roll before

6 you were hurt?

7 A. I wasn't -- I was, yeah, once.

8 Q. You're doing pretty well, though, now?

9 A. Yeah.

10 Q. Okay. Here I found the records concerning your

11 admission to Millcreek Community Hospital in March. You

12 were admitted on March 26th, and you were discharged

13 about -- on April 2nd. That sounds right?

14 A. Yeah.

15 Q. This looks like the time you tried to cut your own

16 throat and you stabbed your dad.

17 A. Yeah.

18 Q. Let me just read the -- what they call the history

19 here. Just some of it to maybe get your memory going here.

20 "This is the first psychiatric admission for this

21 13-year-old white female who was brought to the ER at

22 Millcreek Community Hospital for an assessment last evening

23 by the police and her family after she had an argument with

24 her father. During this argument she attempted to cut her

25 throat with a knife and indicated that she was going to kill

Page 121

1 herself. She also tried to stab her father's hand." Okay?

2 At the time that happened, you were living at home

3 and going to Sarah Reed, correct?

4 A. Yeah.

5 Q. Did you, in fact, try to hurt yourself that night?

6 A. Yeah.

7 Q. What did you try to do?

8 A. I put a knife to my neck.

9 Q. Did you cut yourself at any time that night?

10 A. No.

11 Q. Your dad stopped you?

12 A. Yeah.

13 Q. Did you hurt him?

14 A. Yeah.

15 Q. How did you hurt him?

16 A. I cut his -- like stabbed his hand.

17 Q. Okay. And I think you ran in the bathroom or

18 something? Did I read that somewhere?

19 A. Yeah.

20 Q. The police were called, and they took you to the

21 hospital?

22 A. Yeah.

23 Q. At the hospital, you were actually sleeping there,

24 weren't you, at night?

25 A. Yeah.

A000000297

Richard P. v. School District

R. P.

March 23, 2005

Page 122	Page 124
<p>1 Q. For a week. Did they give you any medication?</p> <p>2 A. I was already on medication.</p> <p>3 Q. What kind of medication were you on?</p> <p>4 A. I don't remember what kind of medication I was on.</p> <p>5 Q. What kind of medication have you been on over</p> <p>6 time, since the time of the assault? And maybe if you don't</p> <p>7 know the name of it, you can tell me what it does for you.</p> <p>8 A. Remeron.</p> <p>9 Q. Remeron. Do you know what that was for?</p> <p>10 A. It was to keep my moods stabilized and make me</p> <p>11 relaxed.</p> <p>12 Q. To keep you from getting depressed?</p> <p>13 A. No. I had a different pill for that.</p> <p>14 Q. Oh. That was stabilization.</p> <p>15 A. Yeah.</p> <p>16 Q. All right. What was the other pill?</p> <p>17 A. Zoloft.</p> <p>18 Q. And that was to make you feel better?</p> <p>19 A. Yeah.</p> <p>20 Q. Anything else?</p> <p>21 A. Zyprexa.</p> <p>22 Q. What was the purpose of that?</p> <p>23 A. For anxiety and panic attacks. And there was a</p> <p>24 lot more. I just can't think off the top of my head.</p> <p>25 Q. What kind of things have they been for? Panic</p>	<p>1 A. After.</p> <p>2 Q. Yeah, I know you didn't immediately go to him.</p> <p>3 A. Yeah.</p> <p>4 Q. Have you physically injured yourself at any time</p> <p>5 since you started going to Sarah Reed?</p> <p>6 A. I used to cut my wrists, and I popped pills.</p> <p>7 Q. Did you ever attempt suicide?</p> <p>8 A. Once.</p> <p>9 Q. When was that?</p> <p>10 A. I can't remember.</p> <p>11 Q. How did you try to do it? Pills?</p> <p>12 A. Yeah.</p> <p>13 Q. What kind of pills? Do you know?</p> <p>14 A. Remeron.</p> <p>15 Q. Remeron. Well, you're here, and it obviously</p> <p>16 didn't work.</p> <p>17 A. Yeah.</p> <p>18 Q. Did they take you to the hospital for that?</p> <p>19 A. I didn't tell anybody.</p> <p>20 Q. Oh. You just took too many of them, and what,</p> <p>21 nothing happened?</p> <p>22 A. I slept for a very, very long time.</p> <p>23 Q. And that was it?</p> <p>24 A. Yeah. And then when I woke up, I felt nauseous</p> <p>25 and stuff.</p>
Page 123	Page 125
<p>1 attacks, depression, and mood stabilization?</p> <p>2 A. And anxiety attacks.</p> <p>3 Q. I'm sorry, anxiety attacks. Mood stabilization</p> <p>4 and something to elevate your mood. Right?</p> <p>5 A. Um-hum.</p> <p>6 Q. And has all the medication over the couple years</p> <p>7 since this happened been of the same nature? Maybe not the</p> <p>8 same drug, but the same nature?</p> <p>9 A. What do you mean?</p> <p>10 Q. Were they all mood stabilizers and mood elevators</p> <p>11 and things for anxiety attacks?</p> <p>12 A. Yeah.</p> <p>13 Q. Do you still take that medication?</p> <p>14 A. Zyprexa.</p> <p>15 Q. I forgot what that is. That's the mood</p> <p>16 stabilizer?</p> <p>17 A. No. For depression, anxiety, and panic attacks.</p> <p>18 Q. Do you take that every day?</p> <p>19 A. Yeah.</p> <p>20 Q. Any idea when that's going to end?</p> <p>21 A. I don't know.</p> <p>22 Q. And your doctor now is Dr. Wilson?</p> <p>23 A. Yeah.</p> <p>24 Q. And he has been your principal doctor since the</p> <p>25 time of the assault? After that time.</p>	<p>1 Q. Have you ever tried to do that again?</p> <p>2 A. Did I ever try to do it again?</p> <p>3 Q. Yes.</p> <p>4 A. No.</p> <p>5 Q. Why? Don't want to?</p> <p>6 A. No, I just stopped doing that stuff. I was sent</p> <p>7 to Abraxas, and when I came back, I started doing better.</p> <p>8 Q. Abraxas was kind of the turn-around for you?</p> <p>9 A. Yeah.</p> <p>10 Q. How long were you at Abraxas?</p> <p>11 A. About five months.</p> <p>12 Q. What was that place like?</p> <p>13 A. It was really, really hard.</p> <p>14 Q. Your attorney on the break described it as sort of</p> <p>15 a boot camp type of place. Is that a fair description?</p> <p>16 A. Yeah, it is a boot camp.</p> <p>17 Q. I forgot where Abraxas is located.</p> <p>18 A. South Mountain.</p> <p>19 Q. Oh, yes. Where is South Mountain?</p> <p>20 A. (Witness indicates.)</p> <p>21 Q. Is that in Erie County?</p> <p>22 A. No.</p> <p>23 MR. OLDS: Someplace near Gettysburg, I think it's</p> <p>24 at.</p> <p>25 MR. MARNEN: Oh, way down there.</p>

A000000298

Richard P. v. School District

R [REDACTED] P [REDACTED]

March 23, 2005

<p style="text-align: right;">Page 126</p> <p>1 MR. OLDS: Huntington or Gettysburg.</p> <p>2 Q. So is that for kids -- what kind of kids were</p> <p>3 going there? What kinds of problems?</p> <p>4 A. Drug and alcohol, mainly.</p> <p>5 Q. All right. And that's not what your problem was,</p> <p>6 though, right?</p> <p>7 A. No, I was there for drug and alcohol.</p> <p>8 Q. What kind of drug problem did you have?</p> <p>9 A. Well, I didn't have a problem with the drug I</p> <p>10 took. But I just took it once, and I got caught.</p> <p>11 Q. Okay. Someone found out you tried to kill</p> <p>12 yourself?</p> <p>13 A. No. I -- I took a drug.</p> <p>14 Q. Oh.</p> <p>15 A. And when I went to Edmund L., they gave me a test.</p> <p>16 Q. I see.</p> <p>17 A. And I got caught.</p> <p>18 Q. Was the drug you took a recreational drug? Do you</p> <p>19 know what I mean?</p> <p>20 A. What's that?</p> <p>21 Q. A drug you take for fun and not treatment.</p> <p>22 A. It was --</p> <p>23 Q. What was it?</p> <p>24 A. Crack cocaine.</p> <p>25 Q. Okay. That's what you take for fun, I guess. Did</p>	<p style="text-align: right;">Page 128</p> <p>1 A. Whiskey.</p> <p>2 Q. Whiskey?</p> <p>3 A. Vodka, beer.</p> <p>4 Q. And you were getting intoxicated doing that?</p> <p>5 A. Yeah.</p> <p>6 Q. Your parents found out about it?</p> <p>7 A. A couple times, yeah.</p> <p>8 Q. And I gather you ended up at Edmund L. because you</p> <p>9 violated probation by drinking?</p> <p>10 A. Yeah.</p> <p>11 Q. And then they did the tox. screen, found the</p> <p>12 drugs, sent you down to Abraxas.</p> <p>13 A. Yeah.</p> <p>14 Q. You were there for four or five months?</p> <p>15 A. About five.</p> <p>16 Q. Is Abraxas boys and girls?</p> <p>17 A. Yeah, but the boys and girls are not</p> <p>18 communicating.</p> <p>19 Q. They are segregated.</p> <p>20 A. Yeah.</p> <p>21 Q. Did you wear uniforms?</p> <p>22 A. Yeah.</p> <p>23 Q. What kind of uniforms? Khakis or something?</p> <p>24 A. Army.</p> <p>25 Q. Army-type uniforms?</p>
<p style="text-align: right;">Page 127</p> <p>1 you do that one time?</p> <p>2 A. Yeah, once.</p> <p>3 Q. And that's how you ended up at Edmund L.? They</p> <p>4 did a urine test, and they found it.</p> <p>5 A. Yeah. And I was sent to Edmund L. because I was</p> <p>6 drinking. I came home drunk. But they didn't know that I</p> <p>7 smoked crack cocaine until they gave me a test when I went</p> <p>8 there.</p> <p>9 Q. I see. How long had you smoked crack cocaine?</p> <p>10 A. Not that long.</p> <p>11 Q. More than one time, though.</p> <p>12 A. Not -- no. Not at all.</p> <p>13 Q. Just one time?</p> <p>14 A. Yeah.</p> <p>15 Q. But you did -- you were drinking alcohol.</p> <p>16 A. Yeah.</p> <p>17 Q. At what, 13, 14 years old?</p> <p>18 A. Yeah.</p> <p>19 Q. Where were you getting the alcohol?</p> <p>20 A. (No response.)</p> <p>21 Q. I don't mean name names. I don't care who they</p> <p>22 were.</p> <p>23 A. My friends. Well, so-called friends.</p> <p>24 Q. Right. What were you drinking? Beer or hard</p> <p>25 stuff?</p>	<p style="text-align: right;">Page 129</p> <p>1 A. Yeah.</p> <p>2 Q. Boots?</p> <p>3 A. You only wear boots when you're going hiking.</p> <p>4 Q. All right. You're too young to have been in the</p> <p>5 military, but was it sort of like being in the military, as</p> <p>6 far as you could tell?</p> <p>7 A. Yeah.</p> <p>8 Q. A lot of physical activity?</p> <p>9 A. Yeah.</p> <p>10 Q. Were the people running the place very strict with</p> <p>11 you?</p> <p>12 A. Yeah.</p> <p>13 Q. Very -- maybe harsh once in a while?</p> <p>14 A. Once in a while? More than once in a while.</p> <p>15 Q. All the time?</p> <p>16 A. Yeah.</p> <p>17 Q. They were tough.</p> <p>18 A. Yeah.</p> <p>19 Q. And did you hate being there?</p> <p>20 A. Oh, yeah, I did.</p> <p>21 Q. And you couldn't wait to get out?</p> <p>22 A. Yeah, I couldn't wait.</p> <p>23 Q. Did they tell you when you went there, you are</p> <p>24 going to be there for a certain amount of time?</p> <p>25 A. Yeah. All the girls -- well, actually the girls</p>

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Richard P. v. School District

R [REDACTED] P [REDACTED]

March 23, 2005

<p style="text-align: right;">Page 130</p> <p>1 and the guys have different times they can leave. They have</p> <p>2 this thing at the end of your five months that you can</p> <p>3 graduate; a party. And I didn't get that because I was -- I</p> <p>4 left early.</p> <p>5 Q. Because of what? Good behavior?</p> <p>6 A. Yeah.</p> <p>7 Q. You hated it so much, you were going to be good no</p> <p>8 matter what?</p> <p>9 A. No. I wasn't good when I first got there.</p> <p>10 Q. But you were when you left?</p> <p>11 A. Yeah.</p> <p>12 Q. That turned you around, then, huh?</p> <p>13 A. Yeah.</p> <p>14 Q. So when you went back, did you live at home when</p> <p>15 you went back?</p> <p>16 A. Yeah.</p> <p>17 Q. And where did you go to school? Back to Sarah</p> <p>18 Reed?</p> <p>19 A. Yeah. Back to Sarah Reed.</p> <p>20 Q. How is Sarah Reed different from regular school?</p> <p>21 A. Smaller classes. There is a lot of restraints</p> <p>22 that go on daily. It's like a lot of bad kids go there.</p> <p>23 It's a lot different -- we don't do much -- as much work,</p> <p>24 and we don't get homework.</p> <p>25 Q. You don't do as much school work at Sarah Reed as</p>	<p style="text-align: right;">Page 132</p> <p>1 Q. You didn't -- you didn't live there, though,</p> <p>2 right?</p> <p>3 A. No, I didn't.</p> <p>4 Q. Were you bothered by kids when you were there?</p> <p>5 A. They could be annoying, but I could always tell.</p> <p>6 Q. Did anybody bother you about what had happened at</p> <p>7 Strong Vincent?</p> <p>8 A. Nobody knew.</p> <p>9 Q. I think I have asked you this, and if I have, I'm</p> <p>10 sorry. I just want to make sure. After you left Strong</p> <p>11 Vincent, went to Sarah Reed, up to the present time, has</p> <p>12 anyone ever bothered you in school about what happened to</p> <p>13 you at Strong Vincent?</p> <p>14 A. No. Not until I came back to Strong Vincent the</p> <p>15 second time.</p> <p>16 Q. Oh, right. You were there briefly, and someone --</p> <p>17 you know, I didn't catch this when I was asking you</p> <p>18 questions about this. But one of your attorneys told me on</p> <p>19 a break, you were at Strong Vincent twice.</p> <p>20 A. Yeah.</p> <p>21 Q. And I know you and I got really confused when we</p> <p>22 talked about that this morning. But you went to Strong</p> <p>23 Vincent and then came back later.</p> <p>24 A. Yeah.</p> <p>25 Q. The first time you were there was the being</p>
<p style="text-align: right;">Page 131</p> <p>1 you do at, say, North East High School or Strong Vincent?</p> <p>2 A. Right.</p> <p>3 Q. And you did not get homework.</p> <p>4 A. Yeah.</p> <p>5 Q. And that's different, too, from regular school.</p> <p>6 A. Yeah.</p> <p>7 Q. Did you get counseling?</p> <p>8 A. Yeah.</p> <p>9 Q. Was there an effort to make you feel better about</p> <p>10 what had happened, to get over what had happened to you on</p> <p>11 November 27, 2001?</p> <p>12 A. From being there?</p> <p>13 Q. Yeah. At Sarah Reed. Were they making an effort</p> <p>14 to help you with that, as far as you could tell?</p> <p>15 A. As far as I could tell, no.</p> <p>16 Q. No?</p> <p>17 A. No.</p> <p>18 Q. You were having counseling sessions?</p> <p>19 A. Well, I was supposed to, but I didn't there.</p> <p>20 Q. You did not?</p> <p>21 A. No.</p> <p>22 Q. Why not?</p> <p>23 A. I -- I don't know.</p> <p>24 Q. Most -- there were kids that were bad kids there?</p> <p>25 A. Yeah.</p>	<p style="text-align: right;">Page 133</p> <p>1 escorted out for violating the dress code and punching the</p> <p>2 principal?</p> <p>3 A. Yeah.</p> <p>4 Q. By the way, was his name Douglas Allen, by any</p> <p>5 chance?</p> <p>6 A. The principal?</p> <p>7 Q. Yes.</p> <p>8 A. I don't know him.</p> <p>9 Q. Okay. And then after some period of time, you</p> <p>10 came back, right?</p> <p>11 A. Yeah.</p> <p>12 Q. And when you came back, you were bothered by kids</p> <p>13 about -- about what happened in November of 2001.</p> <p>14 A. Yeah.</p> <p>15 Q. How long were you back there after you came back?</p> <p>16 How were you -- how long were you at Strong Vincent after</p> <p>17 you came back?</p> <p>18 A. When I came back, I was -- how long was I there</p> <p>19 after when I came back?</p> <p>20 Q. Yes.</p> <p>21 A. For about a week.</p> <p>22 Q. And was it a daily thing?</p> <p>23 A. That people were bothering me?</p> <p>24 Q. Yes.</p> <p>25 A. No, not on a daily.</p>

A000000300

Richard P. v. School District

R. [REDACTED] P. [REDACTED]

March 23, 2005

Page 134

1 Q. But it happened.

2 A. Yeah.

3 Q. And it was, what, the same kind of thing? Asking

4 you to do that --

5 A. No.

6 Q. What kind of things were they doing?

7 A. Well, this one boy said, ha, you gave C [REDACTED]

8 B [REDACTED] head. And this group of kids that -- at the table,

9 they were all talking about it.

10 Q. Okay. Did you ask to go back to Sarah Reed then?

11 A. Yeah. I said I didn't want to go back there, at

12 one of the meetings.

13 Q. At one of your meetings with what? Your

14 counselor?

15 A. No, there was -- I think it was a life meeting.

16 Q. What does that mean, a life meeting? How to deal

17 with the details of life?

18 A. I don't know how to define a life meeting.

19 Q. All right.

20 MR. OLDS: What happened at the life meeting?

21 A. Julie was there, my mom -- I mean, I think my mom

22 was there. My dad was definitely there. And there was

23 other people there I don't know. And my therapist Linda was

24 there. And this guy, I don't know who he was. He said he

25 thinks I should go back to Strong Vincent. And my dad and

Page 135

1 Julie was having debates on that; that I shouldn't go back

2 there. And I ended up going back there, and I didn't want

3 to go back there.

4 Q. So this was -- was this a life meeting?

5 A. Yeah.

6 Q. Was it a meeting at Sarah Reed?

7 A. No. I don't remember where I was at. But it was

8 a life meeting.

9 Q. All right. So someone thought you ought to go

10 back, and you didn't like the idea, but I guess everybody

11 went along with it? Is that what you --

12 A. No. Like Julie, my dad, and Linda didn't -- did

13 not approve of that. They did not want that happening.

14 Q. Linda Cappabianca?

15 A. No.

16 Q. Somebody else.

17 A. Yeah. Linda Cray.

18 Q. Why did you go back then?

19 A. I don't know. They sent me back, though.

20 Q. And then you got out when you said, look, I don't

21 want to be here, this is happening to me; they are bothering

22 me?

23 A. No. Then I -- that's when the principal grabbed

24 me, I hit him, and then I hit the officer, and then I left.

25 Q. Oh. Okay. You were at Vincent twice, weren't

Page 136

1 you?

2 A. Yes.

3 Q. In eighth grade. So after that, you came back

4 too?

5 A. No.

6 Q. Before that.

7 A. Before what?

8 Q. Before hitting the officer --

9 A. Yeah, I didn't come back -- I don't know. I'm

10 getting confused.

11 Q. Okay. We'll leave it alone. I have a medical

12 record here that says you were admitted to Millcreek

13 Community Hospital on June 15, 2002. And you were

14 discharged 10 days later. And under Circumstance of

15 Admission, it says, "R [REDACTED] was brought to the ER by her

16 father. Earlier in the day, she apparently had gotten into

17 an argument with her mother about cleaning the kitchen.

18 Apparently this escalated to the point that the patient

19 tried to bite her mother and eventually did assault her.

20 The patient continued to be agitated and upset by this event

21 and started making comments that she had thoughts of hurting

22 herself. Father was present and had been concerned about

23 changes in her mood. Because of concerns over her safety,

24 called the police. When the police called [sic], apparently

25 the patient got aggressive and there was some degree of

Page 137

1 resistance to the police officer. She was then brought to

2 the ER for evaluation, and eventually admitted for possible

3 stabilization in the inpatient unit."

4 Do you remember that?

5 A. Yeah.

6 Q. Did I just tell it all, or is there more to the

7 story than that?

8 A. That's about it.

9 Q. So this is only a couple months -- you know, maybe

10 four months after you left Strong Vincent. And you were

11 still pretty angry then?

12 A. (Witness nods head.)

13 Q. Angry and depressed, right?

14 A. (Witness nods head.)

15 MR. OLDS: You have to say yes or no.

16 A. Oh. Yeah.

17 MR. MARNEN: The record indicates that Rachel is

18 nodding yes.

19 Q. I'm getting the impression -- I guess I'm a little

20 slow. Eventually it sinks in with me that after you -- tell

21 me if I'm right about this or tell me if I'm wrong. That

22 after you left Vincent, you went to Sarah Reed, you were

23 angry and depressed. Over time, you got into alcohol and

24 some drugs. Things just got worse and worse. And then you

25 hit bottom with the drug test, and they sent you to Abraxas,

A000000301

Richard P. v. School District

Re: [REDACTED] P. [REDACTED]

March 23, 2005

<p style="text-align: right;">Page 138</p> <p>1 and that sort of turned you around.</p> <p>2 A. Yeah.</p> <p>3 Q. Since you got out of Abraxas, has there been any</p> <p>4 alcohol?</p> <p>5 A. Once.</p> <p>6 Q. Once?</p> <p>7 A. Yeah.</p> <p>8 Q. Was that sort of a relapse, that you have never --</p> <p>9 you fell backwards for a moment, but --</p> <p>10 A. I wouldn't really say fell backwards.</p> <p>11 Q. What happened?</p> <p>12 A. I guess I wasn't really thinking. It kind of</p> <p>13 just -- I thought, well, maybe I won't get caught or</p> <p>14 something like that.</p> <p>15 Q. Okay. And you did?</p> <p>16 A. Yeah.</p> <p>17 Q. Did it have any consequences about, like,</p> <p>18 violation -- violating probation, or did you just get an</p> <p>19 earful from your parents, and that was it?</p> <p>20 A. No, I got my license extended. I think that's</p> <p>21 what it's called.</p> <p>22 Q. You got your license extended?</p> <p>23 A. Yeah.</p> <p>24 Q. You mean your probation was extended?</p> <p>25 A. No. My license. I wasn't on probation.</p>	<p style="text-align: right;">Page 140</p> <p>1 A. Yeah, no drinking.</p> <p>2 Q. No drugs?</p> <p>3 A. No drugs.</p> <p>4 Q. Okay. Are you still taking medication for your</p> <p>5 mood?</p> <p>6 A. I wouldn't say for my mood.</p> <p>7 Q. What do you think you're taking the medication</p> <p>8 for?</p> <p>9 A. Depression, anxiety, and panic attacks.</p> <p>10 Q. I didn't mean -- okay. You and I were saying the</p> <p>11 same thing with different words, believe it or not. And you</p> <p>12 still occasionally see Dr. Wilson, right?</p> <p>13 A. Yeah.</p> <p>14 Q. And if nothing else, he -- well, he prescribes the</p> <p>15 medication. He keeps that going.</p> <p>16 A. Yeah.</p> <p>17 Q. Is anybody counseling you?</p> <p>18 A. Um-hum. Yeah.</p> <p>19 Q. Dr. Wilson?</p> <p>20 A. No. My therapist.</p> <p>21 Q. Who is your therapist?</p> <p>22 A. Linda Cray.</p> <p>23 Q. Where is Linda Gray?</p> <p>24 A. Cray.</p> <p>25 Q. C-R-A-Y?</p>
<p style="text-align: right;">Page 139</p> <p>1 Q. What does that mean, your license is extended?</p> <p>2 A. I think that's what it's called. When your</p> <p>3 license -- like you have to wait 90 days or until you're</p> <p>4 21 --</p> <p>5 Q. Are you talking about driving now?</p> <p>6 A. Yeah.</p> <p>7 Q. Oh, okay.</p> <p>8 A. I had 90 days.</p> <p>9 Q. So that delayed -- somebody delayed the time when</p> <p>10 you could drive like a regular person?</p> <p>11 A. Yeah.</p> <p>12 Q. As opposed to a probationary young driver?</p> <p>13 A. Yeah.</p> <p>14 Q. Okay. Were you driving when you were -- were you</p> <p>15 caught driving drunk or something?</p> <p>16 A. No.</p> <p>17 Q. Who found out about this drinking?</p> <p>18 A. My friend was there, and she got alcohol poisoning</p> <p>19 and passed out on the ground, started throwing up. And then</p> <p>20 her aunt walked across the street, grabbed her, put her on</p> <p>21 the -- laid her on the couch, gave her the garbage so she</p> <p>22 could throw up. And then she called her mom, and her mom</p> <p>23 called the police and the ambulance, and that's how they</p> <p>24 found out.</p> <p>25 Q. Okay. There has been no drinking since then?</p>	<p style="text-align: right;">Page 141</p> <p>1 A. (Witness nods head.)</p> <p>2 Q. Okay. Where is she located?</p> <p>3 A. She comes to my house.</p> <p>4 Q. Do you know what organization she is with?</p> <p>5 A. Stairways.</p> <p>6 Q. How often does Linda come?</p> <p>7 A. Once a week.</p> <p>8 Q. How long does she stay? A half hour?</p> <p>9 A. I'd say about an hour.</p> <p>10 Q. What do you talk about?</p> <p>11 A. We just talk about everything. School, friends.</p> <p>12 Just --</p> <p>13 Q. Okay. How old are you now?</p> <p>14 A. 16.</p> <p>15 Q. 16. Are you driving?</p> <p>16 A. Yeah.</p> <p>17 Q. Are you a regular driver? Are you still --</p> <p>18 A. On August 10th, I should be taking the test.</p> <p>19 Q. So when you drive now, somebody with a license has</p> <p>20 to be in the car with you?</p> <p>21 A. Yeah. Until I'm 18.</p> <p>22 Q. And you're in tenth grade at North East High</p> <p>23 School, right?</p> <p>24 A. Yeah.</p> <p>25 Q. When you got out of Abraxas, except -- except for</p>

A000000302

Richard P. v. School District

R [REDACTED] P [REDACTED]

March 23, 2005

Page 142

1 the -- except for the -- well, when you got out of Abraxas,
2 were you about the way you are right now, in the way you
3 feel about things, emotionally and mentally? Or do you
4 think you're still improving?

5 A. Oh. I guess it gets better as time goes on.

6 Q. Okay. A little better every day?

7 A. Yeah.

8 Q. All right.

9 MR. MARNEN: I have no other questions. Thank
10 you. Thanks for your time. You are very patient.

11
12 (Deposition concluded at 3:57 p.m.)
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A000000303

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE WESTERN DISTRICT OF PENNSYLVANIA
3 RICHARD P., BY AND FOR
4 RICHARD P., AND DENISE L., BY
AND FOR K. A. L.,
Plaintiffs
5 vs Civil
6 SCHOOL DISTRICT OF THE
CITY OF ERIE, PENNSYLVANIA;
7 JANET WOODS, INDIVIDUALLY
and in her Capacity as Principal
8 of Strong Vincent High School;
and LINDA L. CAPPABIANCA,
9 Individually and in her Capacity
as Assistant Principal of Strong
10 Vincent High School,
Defendants

14 Deposition of RICHARD P. [REDACTED] taken before
15 and by Linda K. Rogers, Commissioner of Deeds in
16 the Commonwealth of Pennsylvania and Notary Public
17 in the State of New York, on Wednesday, April 6,
18 2005, commencing at 12:38 p.m., at the law offices
19 of Knox, McLaughlin, Gornall & Sennett, 120 West
20 10th Street, Erie, Pennsylvania.
21
22
23
24
25 * * *

Page 1

1 RICHARD P. [REDACTED], first having
2 been duly sworn, testified as follows:
3

4 DIRECT EXAMINATION

5 BY MR. MARNEN:

7 Q. Mr. P. [REDACTED], would you state your full name,
8 please.

9 A. Richard William P. [REDACTED]

10 Q. What is the date of your birth?

11 A. [REDACTED] 1964.

12 Q. Where do you presently reside?

13 A. [REDACTED] North East,
14 PA, 16428.

15 Q. How long have you resided there?

16 A. I think about -- well, a year.

17 Q. About a year?

18 A. About a year, yeah.

19 Q. Where did you reside before that?

20 A. [REDACTED], that was in Erie, PA.

21 Q. During what period of time did you reside there?

22 A. Between December -- it was like December, slash,

23 January of 2003. So it would be 2002, December and 2003,

24 January because we were cross mixing between the move over
25 the holiday season.

Page 3

1 For the Plaintiffs:
2 Edward Olds, Esquire
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3 Pittsburgh, PA 15223
4

5 For the Defendants:
6 James T. Marnen, Esquire
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7 Erie, PA 16501
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Page 2

1 Q. From that time until about a year ago?

2 A. That's correct.

3 Q. Before East 10th Street?

4 A. Before East 10th Street?

5 Q. Yes.

6 A. It was [REDACTED] that was also in
7 Erie.

8 Q. What was the period of time when you lived there?

9 A. From, I want to say, March of 2001 to, again, it
10 was, slash, December.

11 Q. Of '02 or January '03?

12 A. Right.

13 Q. Did you live in Arizona before then?

14 A. Yes. Mesa.

15 Q. Mesa, Arizona?

16 A. Um-hmm.

17 Q. And how long were you in Arizona?

18 A. I'm thinking we were there for two years.

19 Q. Before Arizona were you living in Erie?

20 A. That's correct, yes.

21 Q. Where did you live in Erie?

22 A. [REDACTED]

23 Q. [REDACTED]

24 A. Yes. [REDACTED] Avenue.

25 Q. How long did you live there?

Page 4

1 A. Roughly about 15 months.
2 Q. Do you have a high school degree?
3 A. Yep.
4 Q. When did you get that?
5 A. June 9, 1983.
6 Q. Do you have any formal education beyond high
7 school?
8 A. Yeah. Well, a little. I went to Pima Medical in
9 Mesa.
10 Q. P-I-M-A?
11 A. Yes.
12 Q. What is Pima Medical?
13 A. It's a school to learn like respiratory, I was in
14 physical therapy.
15 Q. Respiratory therapy?
16 A. Yes.
17 Q. Did you finish?
18 A. No.
19 Q. How long did you attend that school?
20 A. I believe about a year.
21 Q. Are you presently employed?
22 A. Yes.
23 Q. Where are you employed?
24 A. I am not really -- I'm hired by the police
25 department to be a crossing guard for the school district.

Page 5

1 Q. That's for North East School District?
2 A. Erie.
3 Q. Erie School District. How long have you held that
4 position?
5 A. On and off since about 1997.
6 Q. Well, some of that period of time you were in
7 Arizona, right?
8 A. That's why I said on and off. When I left Erie to
9 move to Arizona, obviously I am not working for them.
10 Q. Right. Have you had any other employment since
11 1997?
12 A. Yep.
13 Q. Where?
14 A. I worked as a -- first I started off as a
15 security -- I was a supervisor for a security firm in
16 Arizona, Argenbright.
17 Q. Argenbright? Any idea how to spell that?
18 A. A-R-G-E-N-B-R-I-G-H-T, yeah. And then from that I
19 went to Arizona Department of Corrections and Training
20 Academy. I was supposed to be stationed in Florence Federal
21 Prison.
22 Q. Ford -- how do you pronounce that?
23 A. Florence.
24 Q. Florence Federal Prison?
25 A. Yep. But I unfortunately did not go through that

Page 6

1 because of my wife's illness got -- it was too difficult to
2 travel from Florence and back and forth and back and forth
3 so I had to kind of quit.
4 Q. What have you done since you came back?
5 A. Before I did that I worked as a group home
6 counselor in Arizona for the Department of Behavioral
7 Consultants, and I did that for, I believe 18 months, close
8 to it.
9 Q. Then you came back to Erie?
10 A. Yes.
11 Q. What have you done here besides crossing guard
12 work, anything?
13 A. Yeah. I worked at Plastex and also Wal-Mart.
14 Q. What did you do at Plastex?
15 A. A laborer.
16 Q. At Wal-Mart?
17 A. Wal-Mart I was an electronics associate.
18 Q. Are you presently employed anywhere besides the
19 crossing guard job?
20 A. No.
21 Q. How long has that crossing job been your only job?
22 A. Pardon me?
23 Q. How long has the crossing guard job been your only
24 job?
25 A. Well, if you consider the fact that back from '97

Page 7

1 on, I mean, it kind of went back and forth and back and
2 forth. I am not sure.
3 Q. When did you leave Plastex?
4 A. September of 2001.
5 Q. When did you leave Wal-Mart?
6 A. This past December.
7 Q. '04?
8 A. Yes.
9 Q. When R. [REDACTED] was attending Strong Vincent, I gather
10 you were living at 1205 West 8th Street?
11 A. Yes.
12 Q. Was R. [REDACTED] living there with you?
13 A. Yes.
14 Q. And you are married to Shelly P. [REDACTED]
15 A. Correct.
16 Q. Was Shelly residing with you at [REDACTED]
17 Street?
18 A. Yes.
19 Q. Was anyone else living in the household then?
20 A. My son Jeffrey.
21 Q. What is Jeffrey's date of birth?
22 A. [REDACTED] 87.
23 Q. Anyone else?
24 A. Yes, Mirrissa P. [REDACTED]
25 Q. Melissa?

Page 8

A000000305

1 A. No. Mirrissa, M-I-R-R-I-S-S-A.
2 Q. Is that your daughter?
3 A. Yes.
4 Q. What is her date of birth?
5 A. [REDACTED] 1996.
6 Q. Have we covered it all now?
7 A. Yeah.
8 Q. So the four children and you --
9 A. Three children.
10 Q. I'm sorry, you're right. J [REDACTED], M [REDACTED] and
11 R [REDACTED]
12 A. That's correct.
13 Q. Your wife Shelly and you lived on West 8th Street
14 while R [REDACTED] was attending Strong Vincent?
15 A. That's correct.
16 Q. Did you attend Erie public schools?
17 A. Yes.
18 Q. Where did you go?
19 A. I went to Strong Vincent for ninth grade in Erie,
20 of course. And I finished out the rest of my high school
21 years in Tech Memorial.
22 Q. Which no longer exists, right?
23 A. Nope.
24 Q. When you folks came from back Arizona, as I
25 understand R [REDACTED] attended Emerson-Gridley; is that right?

Page 9

1 A. I don't remember that to be truthful with you.
2 Q. Okay. In any case she did attend Strong Vincent
3 in seventh grade?
4 A. Yes.
5 Q. Was there a particular reason why she went to
6 Strong Vincent?
7 A. Because we were only a couple blocks up the
8 street.
9 Q. Did you have a choice on that, could you have sent
10 her anywhere you wanted to?
11 A. I didn't have a choice, no.
12 Q. Because she lived in the area of Strong Vincent
13 she went to school there?
14 A. Yes.
15 Q. While R [REDACTED] was attending Strong Vincent did you
16 have any in person contact with any of her teachers?
17 A. Except for like the parent-teacher conferences,
18 no.
19 Q. Only the parent-teacher's conference?
20 A. Right, yes.
21 Q. Do you remember when that was?
22 A. I think --
23 Q. Would it help to look at the calendar we have been
24 looking at?
25 A. Sure. I hope.

Page 10

1 Q. That's Exhibit B, I do have an extra copy.
2 A. Thank you.
3 Q. I think I saw parent-teacher conferences, but I am
4 not sure about that.
5 A. I would have to look. Yeah, that's what I thought
6 it would be, November.
7 Q. November?
8 A. Yes.
9 Q. What is the date, Mr. P [REDACTED]
10 A. The dates are Monday the 12th and Tuesday the
11 13th.
12 Q. You don't remember which day?
13 A. I honestly don't. I believe it might have been a
14 Tuesday. I usually take the second day of parent-teacher
15 conference.
16 Q. Is it fair to say you don't remember but --
17 A. Yeah, that's fair to say.
18 Q. -- that would be customary?
19 A. Customary for me to take the second day.
20 Q. Did you see all of her teachers on that day?
21 A. I believe so, yeah.
22 Q. When you have parent-teacher conferences, do you
23 see one teacher at a time?
24 A. Yes.
25 Q. Do you have any recollection of when you spoke

Page 11

1 with the teachers at that time of any of the teachers
2 bringing up a subject of R [REDACTED] having difficulty of any
3 kind with other students in school?
4 A. No.
5 Q. Are you able to say they did not bring up that
6 subject?
7 A. Yeah, I am able to say that. Yes. They said she
8 was a very nice kid.
9 Q. They didn't mention her having difficulties with
10 other kids?
11 A. Not at that point, no.
12 Q. I just want to make sure we have covered this. I
13 know what you just told me. Did they say anything about
14 Rachel being bullied or harassed or bothered by other
15 students during those parent-teacher conferences?
16 A. No.
17 Q. Had you, by the time the parent-teacher
18 conferences took place, received any information from anyone
19 that Rachel was being bullied, harassed or bothered by other
20 kids?
21 A. Not at that time, no.
22 Q. That would include R [REDACTED] didn't tell you that was
23 happening, right?
24 A. That would be correct.
25 Q. At any time prior to the parent-teacher conference

Page 12